U. S. DEPARTMENT OF COMMERCE
PATENT OFFICE

RULES OF PRACTICE

IN THE

UNITED STATES PATENT OFFICE

REVISED MAY 1, 1947

U. S. DEPARTMENT OF COMMERCE
W. AVERELL HARRIMAN, Secretary
PATENT OFFICE
CASPER W. OOMS, Commissioner

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The following rules of practice, duly adopted and approved by the Secretary of Commerce, designed to be in strict accordance with the Revised Statutes relating to the grant of patents for inventions, are published for gratuitous distribution. Marginal references to corresponding provisions of the Revised Statutes are given for the convenience of the public and of the office. Rev. Stat., secs. 481, 483, 489. Executive order of Mar. 17, 1925, 332 O. G. 957. Marginal references.

The observance of the appended forms, in all cases to which they may be applicable, is recommended to inventors and attorneys and agents. Observance of forms recommended.

Printed copies of the laws relating to the grant of patents may be obtained on application to the Commissioner. Printed copies of statutes furnished.

CASPER W. OOMS,
Commissioner of Patents.

CORRESPONDENCE AND INTERVIEWS

1. All business with the office should be transacted in writing. Unless by the consent of all parties, the action of the office will be based exclusively on the written record. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is a disagreement or doubt. Business to be transacted in writing.

2. All office letters must be sent in the name of the "Commissioner of Patents." All letters and other communications intended for the office must be addressed to him; if addressed to any of the other officers, they will ordinarily be returned. Correspondence to be in the name of the Commissioner.

3. Express charges, freight, postage, and all other charges on matter sent to the Patent Office must be prepaid in full; otherwise it will not be received. All charges to be prepaid.

4. The personal attendance of applicants at the Patent Office is unnecessary. Their business can be transacted by correspondence. Personal attendance of applicants unnecessary.

5. The assignee of the entire interest of an invention is entitled to hold correspondence with the office to the exclusion of the inventor. (See rule 20.) Correspondence with assignees.

Correspondence with inventor and assignee.

6. When there has been an assignment of an undivided part of an invention, amendments and other actions requiring the signature of the inventor must also receive the written assent of the assignee; but official letters will only be sent to the post-office address of the inventor, unless he shall otherwise direct.

Correspondence with attorney or agent.

7. When an attorney shall have filed his power of attorney, or an agent shall have filed his authority, duly executed, the correspondence will be held with him.

Double correspondence.

A double correspondence with the inventor and an assignee, or with a principal and his attorney or agent, or with two attorneys or agents, can not generally be allowed.

Separate letters.

8. A separate letter should in every case be written in relation to each distinct subject of inquiry or application. Assignments for record, final fees, and orders for copies or abstracts must be sent to the office in separate letters.

Papers sent in violation of this rule will be returned.

Letters relating to applications.

9. When a letter concerns an application, it should state the name of the applicant, the title of the invention, the serial number of the application (see rule 31), and the date of filing the same (see rule 32).

Letters relating to patents.

10. When the letter concerns a patent, it should state the name of the patentee, the title of the invention, and the number and date of the patent.

Protests.

11. No attention will be paid to unverified *ex parte* statements or protests of persons concerning pending applications to which they are not parties, unless information of the pendency of these applications shall have been voluntarily communicated by the applicants.

Public-use proceedings.

When a petition for the institution of public-use proceedings, supported by affidavits, is found, on reference to the primary examiner, to make a *prima facie* showing that the invention involved in an interference or disclosed in an application believed to be on file had been in public use or on sale one year* before the filing of the application, or before the date alleged by an interfering party in his preliminary statement, a hearing may be had before the commissioner to determine whether a public-use proceeding should be instituted. If instituted, times may be set for taking testimony.

The papers should be filed in duplicate, or served upon the applicant, his attorney or agent of record and petitioner should offer to bear any expense to which the office may be put.

Mail.

12. Mail placed in the Patent Office pouch in the post office at Washington, D. C., up to 4.30 p. m. on week days, excepting holidays, and 1 p. m. on half holidays, is entered as received in the Patent Office on the day it reaches the post office.

Filing of papers after office hours.

Special-delivery letters and other papers may be deposited in a box provided at the watchman's desk at the E Street entrance of the Patent Office up to midnight on week days, including holidays, and all papers deposited

*In the case of applications for patent filed prior to August 5, 1940, this period is two years instead of one year.

therein are entered as received in the Patent Office on the day of deposit.

Answers to letters and telegrams.

Letters received at the office will be answered, and orders for printed copies filled, without unnecessary delay. Telegrams, if not received before 3 o'clock p. m., can not ordinarily be answered until the following day.

Interviews with examiners.

13. Interviews with examiners concerning applications and other matters pending before the office must be had in the examiners' rooms at such times, within office hours, as the respective examiners may designate; in the absence of the primary examiners, with the assistant in charge. Interviews will not be permitted at any other time or place without the written authority of the Commissioner. Interviews for the discussion of pending applications will not be had prior to the first official action thereon.

INFORMATION TO CORRESPONDENTS

Subjects on which information can not be given.

14. The office can not respond to inquiries as to the novelty of an alleged invention in advance of the filing of an application for a patent, nor to inquiries propounded with a view to ascertaining whether any alleged improvements have been patented, and, if so, to whom; nor can it act as an expounder of the patent law, nor as counsellor for individuals, except as to questions arising within the office.

Rev. Stat., secs. 475, 481, 484, 4883.

Records and models open to inventors.

Of the propriety of making an application for a patent, the inventor must judge for himself. The office is open to him, and its records pertaining to all patents granted may be inspected either by himself or by any attorney, or agent or expert he may call to his aid, and its reports are widely distributed. (See rule 196.) Further than this the office can render him no assistance until his case comes regularly before it in the manner prescribed by law. A copy of the rules, or circular of information, with a section marked, sent to the individual making an inquiry of the character referred to, is intended as a respectful answer by the office.

Examiners' digests.

Examiners' digests are not open to public inspection.

Pending applications kept in secrecy.

15. Pending applications are preserved in secrecy. No information will be given, without authority, respecting the filing by any particular person of an application for a patent or for the reissue of a patent, the pendency of any particular case before the office, or the subject matter of any particular application, unless it shall be necessary to the proper conduct of business before the office, as provided by rules 91, 97, 103, and 108.

Rev. Stat., secs. 475, 481, 484, 4883.

Records and copies in patented cases.

16. After a patent has issued, the model, specification, drawings, and all documents relating to the case are subject to general inspection, and copies, except of the model, will be furnished at the rates specified in rule 191.

ATTORNEYS AND AGENTS

Attorneys and Agents. Rev. Stat., sec. 487. Rule amended Nov. 15, 1938.

17. An applicant or an assignee of the entire interest may prosecute his own case, but he is advised, unless familiar with such matters, to employ a competent registered attorney or registered agent, as the value of patents depends largely upon the skillful preparation of the specification and claims. The Office cannot aid in the selection of an attorney or agent.

A register of attorneys and a register of agents will be kept in this Office, on which will be entered the names of all persons entitled to represent applicants before the Patent Office in the presentation and prosecution of applications for patent. Registration under the provision of this rule shall not be construed as authorizing persons not members of the bar to practice law.

Lawyers.

(*a*) Upon written request there will be entered upon the register of attorneys the name of any attorney at law who is in good standing in any court of record in the United States or any of the States or Territories thereof and who shall furnish a certificate of the clerk of such United States, State, or Territorial court, duly authenticated under the seal of the court, that he is an attorney in good standing and who shall establish to the satisfaction of the Commissioner that he is possessed of the necessary legal and scientific qualifications to enable him to render applicants for patents valuable service and is otherwise competent to advise and assist them in the presentation and prosecution of their applications before the Patent Office.

Firms on register of attorneys.

(*b*) The name of any firm which shall show that the individual members composing the firm are each and all registered as attorneys under section (*a*) will, upon written request, be entered upon the register of attorneys.

Agents.

(*c*) Upon written request, there will be entered upon the register of agents, the name of any person not an attorney at law, who is a citizen or resident of the United States and who shall establish to the satisfaction of the Commissioner that he is of good moral character and of good repute and possessed of the necessary legal and scientific qualifications to enable him to render applicants for patents valuable service and is otherwise competent to advise and assist them in the presentation and prosecution of their applications before the Patent Office.

Firms on register of agents.

(*d*) The name of any firm which shall show that the individual members composing the firm are each and all registered either as attorneys under section (*a*) or as agents under section (*c*) will, upon written request, be entered upon the register of agents.

Examinations.

(*e*) In order to determine whether a person seeking to have his name placed upon the aforesaid registers has the

qualifications specified in paragraphs (*a*) and (*c*), an examination will be held from time to time. No person will be permitted to take the examination unless he submits satisfactory proof as to his good moral character and as to having had a sufficient basic training in scientific and technical matters: *Provided*, That the taking of the examination may be waived in the case of any person who has served for 3 years in the examining corps of the Patent Office.

Foreign patent attorneys.

(*f*) Any foreign patent attorney not a resident of the United States, who shall file proof to the satisfaction of the Commissioner that he is registered and in good standing before the patent office of the country of which he is a citizen or subject, and is possessed of the qualifications stated in paragraph (*c*) will be registered as entitled to represent applicants before the Patent Office in the presentation and prosecution of applications: *Provided*, That the patent office of the country of which he is a citizen or subject allows substantially reciprocal privileges to those admitted to practice before the United States Patent Office.

Limited recognition.

(*g*) Any person or firm not registered and not entitled to be recognized under this rule as an attorney or agent to represent applicants ganerally may, upon a showing of circumstances which render it necessary or justifiable, be recognized by the Commissioner to prosecute as attorney or agent certain specified application or applications, but this limited recognition shall not extend further than the application or applications named.

(*h*) No person not registered or entitled to recognition as above provided will be permitted to prosecute applications before the Patent Office.

Advertising.

(*i*) Every attorney and agent registered to practice before the United States Patent Office shall submit to the Commissioner of Patents for approval copies of all proposed advertising matter, circulars, letters, cards, etc., intended to solicit patent business, and if it be not disapproved by him and the attorney or agent so notified within ten days after submission, it may be considered approved.

No registered agent shall, in advertising matter or in papers filed in the Patent Office, represent himself to be an attorney, solicitor or lawyer.

Any registered attorney or agent sending out or using any such matter, a copy of which has not been submitted to the Commissioner of Patents in accordance with this rule, or which has been disapproved by the Commissioner of Patents, and any registered agent misrepresenting his status shall be subject to suspension or disbarment.

Oath and registration fee.

(*j*) Before his name may be entered on the register of attorneys or on the register of agents every applicant must, after his application is approved, subscribe and swear to

an oath prescribed by the Commissioner of Patents and pay to the Office a registration fee of $5.

Status of attorney registered prior to Nov. 15, 1938, not affected.

(*k*) The status of any person or firm whose name stands enrolled on the register of attorneys at the date when the present rule becomes effective will not be affected by any provision of this rule.

Authorization.

18. Before any attorney or agent, original or associate, will be allowed to inspect papers or take action of any kind, his authorization must be filed. But general authority given by a principal to an associate can not be considered. In each application the written authorization must be filed.

Substitution and association.

19. Substitution or association can be made by an attorney or agent upon the written authorization of his principal; but such authorization will not empower the second attorney or agent to appoint a third.

Revocation.

20. Powers of attorney and authorizations of agents may be revoked at any stage in the proceedings of a case upon application to and approval by the Commissioner; and when so revoked the office will communicate directly with the applicant, or another attorney or agent appointed by him. An attorney or agent will be promptly notified by the docket clerk of the revocation of his power of attorney or authorization. An assignment will not operate as a revocation of the authorization previously given, but the assignee of the entire interest may be represented by an attorney or agent of his own selection.

Public room.

21. Parties, their attorneys or agents will be permitted to examine their cases in the public room, but not in the rooms of the examiners. Personal interviews with examiners will be permitted only as hereinbefore provided. (See rule 13.)

Personal interviews with examiners.

Decorum and courtesy in business.

Papers returned.

22. (*a*) Applicants, attorneys and agents will be required to conduct their business with the office with decorum and courtesy. Papers presented in violation of this requirement will be submitted to the Commissioner and returned by his direct order.

Complaints against examiners.

(*b*) Complaints against examiners and other officers must be made in communications separate from other papers and will be promptly investigated.

Refusal to recognize agents.

(*c*) The Commissioner of Patents may, after notice and opportunity for a hearing, suspend or exclude, either generally or in any particular case, from further practice before his office any person, agent, or attorney shown to be incompetent or disreputable, or guilty of gross misconduct, or who refuses to comply with the rules and

regulations, or who shall, with intent to defraud in any manner, deceive, mislead, or threaten any applicant or prospective applicant, or other person having immediate or prospective business before the office, by word, circular, letter, or by advertising, or who shall guarantee the successful prosecution of any application for patent or the procurement of any patent, or by word, circular, letter, or advertisement shall make any false promise or misleading representation, or who uses the name of any Member of either House of Congress or of any officer of the Government in advertising his business. (Act approved April 27, 1916.) The reasons for any such suspension or exclusion shall be duly recorded. And the action of the Commissioner may be reviewed upon the petition of the person so refused recognition or so suspended or excluded by the District Court of the United States for the District of Columbia under such conditions and upon such proceedings as the said court may by its rules determine.

Act approved Feb. 18, 1922.

(*d*) The Commissioner of Patents may appoint a Grievance Committee or Grievance Committees of those admitted to practice before the Patent Office. The Commissioner may refer to such committee such complaints against those admitted to practice before the Patent Office as he deems advisable. The committee or a subcommittee thereof may investigate and determine whether the complaint is well founded and, if so, present charges for suspension or exclusion from practice.

Grievance committee.

23. Inasmuch as applications can not be examined out of their regular order except in accordance with the provisions of rule 63, and Members of Congress can neither examine nor act in patent cases without written authorization, applicants are advised not to impose upon Senators or Representatives labor which will consume their time without any advantageous results.

Services of Senators or Representatives.

APPLICANTS

24. A patent may be obtained by any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement thereof, or who has invented or discovered and asexually reproduced any distinct and new variety of plant, other than a tuber-propagated plant, not known or used by others in this country before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country before his invention or discovery thereof, or more than one year* prior to his application, and not patented in a country foreign to the United States on an application filed by him or his legal representatives or

Rev. Stat., sec. 4886. Rev. Stat., sec. 4887.

*In the case of applications for patent filed prior to August 5, 1940, this period is two years instead of one year.

assigns more than twelve months before his application, and not in public use or on sale in the United States for more than one year* prior to his application, unless the same is proved to have been abandoned, upon payment of the fees required by law and other due proceedings had. (For designs, see rule 79.)

Rev. Stat., sec. 4896.

Executors and administrators.

25. In case of the death of the inventor, the application will be made by and the patent will issue to his executor or administrator. In that case the oath required by rule 46 will be made by the executor or administrator. In case of the death of the inventor during the time intervening between the filing of his application and the granting of a patent thereon, the letters patent will issue to the executor or administrator upon proper intervention by him. The executor or administrator duly authorized under the law of any foreign country to administer upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The authority of such foreign executor or administrator shall be proved by certificate of a diplomatic or consular officer of the United States.

Act of Feb. 28, 1899.

Insane person.

In case an inventor become insane, the application may be made by and the patent issued to his legally appointed guardian, conservator, or representative, who will make the oath required by rule 46.

Rev. Stat., sec. 4895.

Patents to assignees.

To inventors and assignees jointly.

26. In case of an assignment of the whole interest in the invention, or of the whole interest in the patent to be granted, the patent will issue to the assignee; and if the assignee hold an undivided part interest, the patent will issue jointly to the inventor and the assignee; but the assignment in either case must first have been entered of record, and at a day not later than the date of the payment of the final fee (see rule 188); and if it be dated subsequently to the execution of the application, it must give the date of execution of the application, or the date of filing, or the serial number, so that there can be no mistake as to the particular invention intended. The application and oath must be signed by the actual inventor, if alive, even if the patent is to issue to an assignee (see rules 30, 40); if the inventor be dead, the application may be made by the executor or administrator.

Rev. Stat., sec. 4923.

Inventor believing himself to be first inventor.

27. If it appear that the inventor, at the time of making his application, believed himself to be the first inventor or discoverer, a patent will not be refused on account of the invention or discovery, or any part thereof, having been known or used in any foreign country before his invention or discovery thereof, if it had not been before patented or described in any printed publication.

*In the case of applications for patent filed prior to August 5, 1940, this period is two years instead of one year.

28. Joint inventors are entitled to a joint patent; neither of them can obtain a patent for an invention jointly invented by them. Independent inventors of distinct and independent improvements in the same machine can not obtain a joint patent for their separate inventions. The fact that one person furnishes the capital and another makes the invention does not entitle them to make an application as joint inventors; but in such case they may become joint patentees, upon the conditions prescribed in rule 26. Joint inventors.

29. No person otherwise entitled thereto shall be debarred from receiving a patent for his invention or discovery by reason of its having been first patented or caused to be patented by the inventor or his legal representatives or assigns in a foreign country, unless the application for said foreign patent was filed more than twelve months prior to the filing of the application in this country, in which case no patent shall be granted in this country. Rev. Stat., sec. 4887. Foreign patents.

An application for patent filed in this country by any person who has previously regularly filed an application for a patent for the same invention or discovery in a foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States shall have the same force and effect as the same application would have if filed in this country on the date on which the application for patent for the same invention or discovery was first filed in such foreign country, provided the application in this country is filed within twelve months from the earliest date on which any such foreign application was filed; but no patent shall be granted upon such application if the invention or discovery has been patented or described in a printed publication in this or any foreign country, or has been in public use or on sale in this country for more than one year* prior to the date of filing in this country.

THE APPLICATION

30. Applications for letters patent of the United States must be made to the Commissioner of Patents, and must be signed by the inventor, or by one of the persons indicated in rule 25. (See rules 26, 33, 40, 46.) A complete application comprises the first fee of *$30*, and *$1* for each claim in excess of 20, a petition, specification, and oath; and drawings, when required. (See rules 49 and 173.) The petition, specification, and oath must be in the English language. All papers which are to become a part of the permanent records of the office must be legibly written or printed in permanent ink. Rev. Stat., secs. 4888 to 4892. Requisites of application. Acts approved Feb. 18, 1922, Mar. 2, 1927, and June 30, 1932.

30A. The petition, oath, specification and claims, and power of attorney may be included in a single document and if in approved form may be executed by a single signature of applicant.

*In the case of applications for patent filed prior to August 5, 1940, this period is two years instead of one year.

Rev. Stat., secs. 4888, 4889, 4890, 4891, 4892, 4894.

31. An application for a patent will not be placed upon the files for examination until all its parts as required by rule 30 shall have been received.

Incomplete application not filed.

Signed or sworn to in blank.

Every application signed or sworn to in blank, or without actual inspection by the applicant of the petition and specification, and every application altered or partly filled up after being signed or sworn to, will be stricken from the files.

Present series.

Complete applications are numbered in regular order, the present series having been commenced on the 1st of January, 1935.

The applicant will be informed of the serial number of his application.

Abandoned unless completed within six months.

The application must be completed and prepared for examination within six months, as indicated above, and in default thereof, or upon the failure of the applicant to prosecute the same within six months or such shorter time, not less than thirty days or any extensions thereof, as is fixed by the Commissioner, after any action thereon (rule 77), of which notice shall have been duly mailed to him, his attorney or his agent, the application will be regarded as abandoned, unless it shall be shown to the satisfaction of the Commissioner that such delay was unavoidable. (See rules 171 and 172.)

Where the day, or the last day, fixed by statute or by or under these rules for taking any action or paying any fee falls on Sunday, or on a holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding secular or business day.

All parts of application to be filed together.

32. It is desirable that all parts of the complete application be deposited in the office at the same time, and that all the papers embraced in the application be attached together; otherwise a letter must accompany each part, accurately and clearly connecting it with the other parts of the application. (See rule 10.)

THE PETITION

Rev. Sat., sec. 4888. Petition.

33. The petition must be addressed to the Commissioner of Patents, and must state the name, residence, and post-office address of the petitioner requesting the grant of a patent, designate by title the invention sought to be patented, contain a reference to the specification for a full disclosure of such invention, and must be signed by the inventor or one of the persons indicated in rule 25.

THE SPECIFICATION

Rev. Stat., sec. 4888. Specification.

34. The specification is a written description of the invention or discovery and of the manner and process of making, constructing, compounding, and using the same, and is required to be in such full, clear, concise, and exact

terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make, construct, compound, and use the same.

Rev. Stat., sec. 4888. Detailed description.

35. The specification must set forth the precise invention for which a patent is solicited, and explain the principle thereof, and the best mode in which the applicant has contemplated applying that principle, in such manner as to distinguish it from other inventions.

Rev. Stat., sec. 4888. Improvements.

36. In case of a mere improvement, the specification must particularly point out the parts to which the improvement relates, and must by explicit language distinguish between what is old and what is claimed as new; and the description and the drawings, as well as the claims, should be confined to the specific improvement and such parts as necessarily cooperate with it.

Claims.

37. The specification must conclude with a specific and distinct claim or claims of the part, improvement, or combination which the applicant regards as his invention or discovery.

Improvements. Reference to drawings.

38. When there are drawings the description shall refer to the different views by figures and to the different parts by letters or numerals (preferably the latter).

Arrangement of specification.

39. The following order of arrangement should be observed in framing the specification:

(*a*) Preamble stating the name, citizenship, and residence of the applicant and the title of the invention.

(*b*) General statement of the object and nature of the invention.

(*c*) Brief description of the several views of the drawing (if the invention admit of such illustration).

(*d*) Detailed description.

(*e*) Claim or claims.

(*f*) Signature of applicant.

Rev. Stat., sec. 4888. Signature to specification.

40. The specification must be signed by the inventor or one of the persons indicated in rule 25. Full names must be given, and all names must be legibly written.

Joinder of inventions.

41. Two or more independent inventions can not be claimed in one application; but where several distinct inventions are dependent upon each other and mutually contribute to produce a single result they may be claimed in one application: *Provided*, That more than one species of an invention, not to exceed three, may be claimed in one application if that application also includes an allowable claim generic to all the claimed species. In the first action on an application containing a generic claim or claims and claims to more than one species thereunder the examiner, if he is of the opinion after a complete search that no generic claim presented is allowable, shall require the applicant in his response to that

action to elect that species of his invention to which his claims shall be restricted if no generic claim is finally held allowable.

Division of application.

42. If several inventions claimed in a single application be of such a nature that a single patent may not be issued to cover them, the inventor will be required to limit the description, drawing, and claim of the pending application to whichever invention he may elect. The other inventions may be made the subjects of separate applications, which must conform to the rules applicable to original applications. If the independence of the inventions be clear, such limitation will be made before any action upon the merits; otherwise it may be made at any time before final action thereon, in the discretion of the examiner. A requirement of division will not be repeated without the written approval of the examiner of classification. After a final requirement of division, the applicant may elect to prosecute one group of claims, retaining the remaining claims in the case with the privilege of appealing from the requirement of division after final action by the examiner on the group of claims prosecuted.

Cross-references in cases relating to same subject.

43. When an applicant files two or more applications relating to the same subject matter of invention, all showing but only one claiming the same thing, the applications not claiming it must contain references to the application claiming it.

Reservation clauses not permitted.

44. A reservation for a future application of subject matter disclosed but not claimed in a pending application will not be permitted in the pending application.

Rev. Stat., sec. 4888. Legible writing required.

45. The specification and claims must be plainly written or printed on but one side of the paper. All interlineations and erasures must be clearly referred to in marginal or foot notes on the same sheet of paper. Legal paper, 8 by 13 inches, with the lines numbered, is deemed preferable, and a wide margin must always be reserved upon the left-hand side of the page.

THE OATH

Rev. Stat., sec. 4892. Oath of applicant.

46. The applicant, if the inventor, must make oath or affirmation that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement, or of the variety of plant, for which he solicits a patent; that he does not know and does not believe that the same was ever known or used before his invention or discovery thereof, and shall state of what country he is a citizen and where he resides, and whether he is a sole or joint inventor of the invention claimed in his application. In every original application the applicant must distinctly

Rev. Stat., secs. 4887, 4892. Statement as to foreign patents and public use.

state under oath that to the best of his knowledge and belief the invention has not been in public use or on sale in the United States for more than one year* prior to his application, or patented or described in any printed publication in any country before his invention or more than one year* prior to his application, or patented in any foreign country on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in this country. If any application for patent has been filed in any foreign country by the applicant in this country, or by his legal representatives or assigns, prior to his application in this country, he shall state the country or countries in which such application has been filed, giving the date of such application, and shall also state that no application has been filed in any other country or countries than those mentioned, and if no application for patent has been filed in any foreign country, he shall so state. This oath must be subscribed to by the affiant.

Statement as to foreign applications.

If the application be made by an executor or administrator of a deceased person or the guardian, conservator, or representative of an insane person, the oath shall allege the relationship of the affiant to the inventor and, upon information and belief, the facts which the inventor is required by this rule to make oath to.

Rev. Stat., sec. 4896. Oath by executor or guardian.

The Commissioner may require an additional oath in cases where the applications have not been filed in the Patent Office within a reasonable time after the execution of the original oath.

Additional oath.

47. The oath or affirmation may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affairs, consul, or commercial agent holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States, the oath being attested in all cases in this and other countries, by the proper official seal of the officer before whom the oath or affirmation is made, except that no oath or affirmation may be administered by any attorney or agent appearing in the case. When the person before whom the oath or affirmation is made in this country is not provided with a seal, his official character shall be established by competent evidence, as by a certificate from a clerk of a court of record or other proper officer having a seal.

Officers authorized to administer oaths.

Dec. 6, 1909.

June 29, 1906.

Certificate of notary.

*In the case of applications for patent filed prior to August 5, 1940, this period is two years instead of one year.

Dec. 6, 1899.

When the oath is taken before an officer in a country foreign to the United States, all the application papers, except the drawings, must be attached together and a ribbon passed one or more times through all the sheets of the application, except the drawings, and the ends of said ribbon brought together under the seal before the latter is affixed and impressed, or each sheet must be impressed with the official seal of the officer before whom the oath is taken. If the papers as filed are not properly ribboned or each sheet impressed with the seal, the case will be accepted for examination, but before it is allowed, duplicate papers, prepared in compliance with the foregoing sentence, must be filed.

Supplemental oath for matter not originally claimed.

48. When an applicant presents a claim for matter originally shown or described but not substantially embraced in the statement of invention or claim originally presented, he shall file a supplemental oath to the effect that the subject matter of the proposed amendment was part of his invention, was invented before he filed his original application; that he does not know and does not believe that the same was ever known or used before his invention or discovery thereof, or patented or described in any printed publication in any country before his invention or discovery thereof, or more than one year* before his application, or in public use or on sale in the United States for more than one year* before the date of his application, that said invention has not been patented in any foreign country on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in the United States, and has not been abandoned. Such supplemental oath must be attached to and properly identify the proposed amendment.

In proper cases the oath here required may be made on information and belief by an executor or administrator of a deceased person or a guardian, conservator, or representative of an insane person. (See rule 46.)

THE DRAWINGS

Rev. Stat., sec. 4889. Drawings.

49. The applicant for a patent is required by law to furnish a drawing of his invention whenever the nature of the case admits of it.

Requisites of drawings.

50. The drawing may be signed by the inventor or one of the persons indicated in rule 25, or the name of the applicant may be signed on the drawing by his attorney or agent. The drawing must show every feature of the invention covered by the claims, and the figures should be consecutively numbered, if possible. When the invention consists of an improvement on an old machine the draw-

*In the case of applications for patent filed prior to August 5, 1940, this period is two years instead of one year.

ing must exhibit, in one or more views, the invention itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

Two editions of drawings.

51. Two editions of patent drawings are printed and published—one for office use, certified copies, etc., of the size and character of those attached to patents, the work being about 6 by 9½ inches; and one reduction of a selected portion of each drawing for the Official Gazette.

Uniform standard.

52. This work is done by the photolithographic process, and therefore the character of each original drawing must be brought as nearly as possible to a uniform standard of excellence, suited to the requirements of the process, to give the best results, in the interests of inventors, of the office, and of the public. The following rules will therefore be rigidly enforced, and any departure from them will be certain to cause delay in the examination of an application for letters patent:

Paper and ink.

(*a*) Drawings must be made upon pure white paper of a thickness corresponding to two-sheet or three-sheet Bristol board. The surface of the paper must be calendered and smooth. India ink alone must be used for pen drawings, to secure perfectly black solid lines.

Size of sheet and marginal lines.

(*b*) The size of a sheet on which a drawing is made must be exactly 10 by 15 inches. One inch from its edges a single marginal line is to be drawn, leaving the "sight" precisely 8 by 13 inches. Within this margin all work and signatures must be included. One of the shorter sides of the sheet is regarded as its top, and, measuring downwardly from the marginal line, a space of not less than 1¼ inches is to be left blank for the heading of title, name, number, and date.

Character and color of lines.

(*c*) All drawings must be made with the pen or by a photolithographic process which will give them satisfactory reproduction characteristics. Every line and letter (signatures included) must be absolutely black. This direction applies to all lines, however fine, to shading, and to lines representing cut surfaces in sectional views. All lines must be clean, sharp, and solid, and they must not be too fine or crowded. Surface shading, when used, should be open. Sectional shading should be made by oblique parallel lines, which may be about one-twentieth of an inch apart. Solid black should not be used for sectional or surface shading. Free-hand work should be avoided wherever it is possible to do so.

Few lines and little or no shading.

(*d*) Drawings should be made with the fewest lines possible consistent with clearness. By the observance of this rule the effectiveness of the work after reduction will be much increased. Shading (except on sectional views) should be used only on convex and concave surfaces,

where it should be used sparingly, and may even there be dispensed with if the drawing be otherwise well executed. The plane upon which a sectional view is taken should be indicated on the general view by a broken or dotted line, which should be designated by numerals corresponding to the number of the sectional view. Heavy lines on the shade sides of objects should be used, except where they tend to thicken the work and obscure letters of reference. The light is always supposed to come from the upper left-hand corner at an angle of 45°.

Scale of drawing.

(*e*) The scale to which a drawing is made ought to be large enough to show the mechanism without crowding, and two or more sheets should be used if one does not give sufficient room to accomplish this end; but the number of sheets must never be more than is absolutely necessary.

Letters of reference.

(*f*) The different views should be consecutively numbered. Letters and figures of reference must be carefully formed. They should, if possible, measure at least one-eighth of an inch in height, so that they may bear reduction to one twenty-fourth of an inch; and they may be much larger when there is sufficient room. They must be so placed in the close and complex parts of drawings as not to interfere with a thorough comprehension of the same, and therefore should rarely cross or mingle with the lines. When necessarily grouped around a certain part they should be placed at a little distance, where there is available space, and connected by lines with the parts to which they refer. They should not be placed upon shaded surfaces, but when it is difficult to avoid this, a blank space must be left in the shading where the letter occurs, so that it shall appear perfectly distinct and separate from the work. If the same part of an invention appear in more than one view of the drawing, it must always be represented by the same character, and the same character must never be used to designate different parts.

Signature of inventor.

(*g*) The signature of the applicant should be placed at the lower right-hand corner of each sheet, and the signatures of the witnesses, if any, at the lower left-hand corner, all within the marginal line, but in no instance should they trespass upon the drawings. (See specimen drawing, appendix.)

Title.

The title should be written with pencil on the back of the sheet. The permanent names and title constituting the heading will be applied subsequently by the office in uniform style.

Large views.

(*h*) All views on the same sheet must stand in the same direction and must, if possible, stand so that they can be read with the sheet held in an upright position.

If views longer than the width of the sheet are necessary for the proper illustration of the invention, the sheet may be turned on its side. The space for heading must then be reserved at the right and the signatures placed at the left, occupying the same space and position as in the upright views and being horizontal when the sheet is held in an upright position. One figure must not be placed upon another or within the outline of another.

Figure for Gazette.

(*i*) As a rule, one view only of each invention can be shown in the Gazette illustrations. The selection of that portion of a drawing best calculated to explain the nature of the specific improvement would be facilitated and the final result improved by the judicious execution of a figure with express reference to the Gazette, but which must at the same time serve as one of the figures referred to in the specification. For this purpose the figure may be a plan, elevation, section, or perspective view, according to the judgment of the draftsman. All its parts should be especially open and distinct, with very little or no shading, and it must illustrate the invention claimed only, to the exclusion of all other details. (See specimen drawing.) When well executed it will be used without curtailment or change, but any excessive fineness or crowding or unnecessary elaborateness of detail will necessitate its exclusion from the Gazette.

Drawings for transmission.

(*j*) Drawings transmitted to the office should be sent flat, protected by a sheet of heavy binder's board; or should be rolled for transmission in a suitable mailing tube, but should never be folded.

No stamp, advertisement, or address permitted on face of drawings.

(*k*) An agent's or attorney's stamp, or advertisement, or written address will not be permitted upon the face of a drawing, within or without the marginal line.

Rev. Stat., sec. 4895. Drawings for reissue applications.

53. In reissue applications the drawings upon which the original patent was issued may be used upon the refiling of suitable permanent photographic copies thereof, if no changes are to be made in the drawings.

Defective drawings.

54. The foregoing rules relating to drawings will be rigidly enforced. A drawing not executed in conformity thereto may be admitted for purposes of examination if it sufficiently illustrates the invention, but in such case the drawing must be corrected or a new one furnished before the application will be allowed. The necessary corrections will be made by the office, upon applicant's request and at his expense. (See rule 72.)

55. Applicants are advised to employ competent draftsmen to make their drawings.

Drawings furnished by office.

The office will furnish the drawings at cost, as promptly as its draftsmen can make them, for applicants who can not otherwise conveniently procure them.

THE MODEL

Rev. Stat., sec. 4891.
Models, when required.

56. A model will be required or admitted as a part of the application only when on examination of the case in its regular order the primary examiner shall find it to be necessary or useful. In such case, if a model has not been furnished, the examiner shall notify the applicant of such requirement, which will constitute an official action in the case. When a model has been received in compliance with the official requirement, the date of its filing shall be entered on the file wrapper. Models not required nor admitted will be returned to the applicants. When a model is required, the examination may be suspended until it shall have been filed.

Requisites of model.

57. The model must clearly exhibit every feature of the machine which forms the subject of a claim of invention, but should not include other matter than that covered by the actual invention or improvement, unless it be necessary to the exhibition of the invention in a working model.

Material.

58. The model must be neatly and substantially made of durable material, metal being deemed preferable; but when the material forms an essential feature of the invention, the model should be constructed of that material.

Working models.

59. A working model may be required if necessary to enable the office fully and readily to understand the precise operation of the machine.

Rev. Stat., sec. 485.
Models in rejected and abandoned cases.

60. In all applications which have become abandoned, the model, unless it be deemed necessary that it be preserved in the office, may be returned to the applicant upon demand and at his expense; and the model in any pending case may be returned to the applicant upon the filing of a formal abandonment of the application, signed by the applicant in person and any assignee. (See rule 171.)

Models in patented cases.

Models belonging to patented cases shall not be taken from the office except in the custody of some sworn employee of the office specially authorized by the Commissioner.

Models filed as exhibits.

61. Models filed as exhibits in contested cases may be returned to the parties at their expense. If not claimed within a reasonable time, they may be disposed of at the discretion of the Commissioner.

SPECIMENS

Rev. Stat., sec. 4890.
Specimens.

62. When the invention or discovery is a composition of matter, the applicant, if required by the Commissioner, shall furnish specimens of the composition, and of its ingredients, sufficient in quantity for the purpose of experiment. In all cases where the article is not perishable, a specimen of the composition claimed, put up in

proper form to be preserved by the office, must be furnished. (Rules 56, 60, and 61 apply to specimens also.)

THE EXAMINATION

Order of examination.

63. Applications filed in the Patent Office are classified according to the various arts, and are taken up for examination in regular order of filing, those in the same class of invention being examined and disposed of, so far as practicable, in the order in which the respective applications have been completed.

Applications which have been put into condition for further action by the examiner shall be entitled to precedence over new applications in the same class of invention.

Privileged cases.

The following cases have preference over all other cases at every period of their examination in the order enumerated:

(*a*) Applications wherein the inventions are deemed of peculiar importance to some branch of the public service, and when for that reason the head of some department of the Government requests immediate action and the Commissioner so orders; but in this case it shall be the duty of the head of that department to be represented before the Commissioner in order to prevent the improper issue of a patent.

(*b*) Applications for reissues.

(*c*) Cases remanded by an appellate tribunal for further action, and statements of grounds of decisions provided for in rules 135 and 142.

(d) Applications which appear to interfere with other applications previously considered and found to be allowable, or which it is demanded shall be placed in interference with an unexpired patent or patents.

Where an applicant copies claims from a patent and the examiner is of the opinion that he can make none of these claims, he should state in his action why he can not make the claims and set a time limit, not less than twenty days, for reply. If, after response by the applicant, the rejection is made final, a similar time limit should be set for appeal. Failure to respond or appeal, as the case may be, within the time fixed, will in the absence of a satisfactory showing, be deemed a disclaimer of the invention claimed. (See rule 94.)

Applications will not be advanced for examination excepting upon order of the Commissioner either to expedite the business of the office or upon a verified showing

which in the opinion of the Commissioner will justify so advancing it.

Merits treated throughout. At last form insisted upon.

64. Where the specification and claims are such that the invention may be readily understood the examination of a complete application and the action thereon will be directed throughout to the merits; but in each letter the examiner shall state or refer to all his objections.

Only in applications found by the examiner to present patentable subject matter and in applications on which appeal is taken to the board of appeals will requirements in matters of form be insisted on. (See rules 95 and 134.)

REJECTIONS AND REFERENCES

Rev. Stat., sec. 4903.

Notice of rejection with information and references.

65. Whenever, on examination, any claim of an application is rejected for any reason whatever, the applicant will be notified thereof. The reasons for the rejection will be fully and precisely stated, and such information and references will be given as may be useful in aiding the applicant to judge of the propriety of prosecting his application or of altering his specification, and if, after receiving this notice, he shall persist in his claim, with or without altering his specification, the application will be reexamined. If upon reexamination the claim shall be again rejected, the reasons therefor will be fully and precisely stated.

Reexamination.

On rejection for want of novelty best references to be cited. Requisites of notices of rejection.

66. Upon taking up an application for action on the merits the examiner shall make a thorough investigation of the prior art with respect to the invention sought to be protected in the application. Upon the rejection of an application for want of novelty, the examiner must cite the best references at his command. When the reference shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of the reference, if not obvious, must be clearly explained and the anticipated claim specified.

Citation of patents.

If domestic patents be cited, their dates and numbers, the names of the patentees, and the classes of inventions must be stated. If foreign patents be cited, their dates and numbers, the names of the patentees, and the classes of inventions must be stated, and such other data must be furnished as may be necessary to enable the applicant to identify the patents cited. In citing foreign patents the number of sheets of drawing involving the parts relied upon for anticipation must be specified, and in case part only of the patent be involved, the particular sheets of the drawing containing the parts relied upon must be identified by number, or by stating the numbers of the figures involved. If printed publications be cited, the title, date, page or plate, author, and place of publication, or place where a copy can be found, shall be given. When reference is made to facts within the personal knowledge

of an employee of the office, the data shall be as specific as possible, and the reference must be supported, when called for, by the affidavit of such employee (rule 76); such affidavit shall be subject to contradiction, explanation, or corroboration by the affidavits of the applicant and other persons. If the patent, printed matter, plates, or drawings so referred to are in the possession of the office, copies will be furnished at the rate specified in rule 191, upon the order of the applicant. Affidavits.

67. Whenever in the treatment of an *ex parte* application an adverse decision is made upon any preliminary or intermediate question, without the rejection of any claim, notice thereof, together with the reasons therefor, will be given to the applicant in order that he may judge of the propriety of the action. If after receiving this notice he traverse the propriety of the action, the matter will be reconsidered. Adverse decisions on preliminary questions in *ex parte* cases. Reconsideration.

AMENDMENTS AND ACTIONS BY APPLICANTS

68. The applicant has a right to amend before or after the first rejection or action. In amending an application in response to a rejection the applicant must clearly point out all the patentable novelty which he thinks the case presents in view of the state of the art disclosed by the references cited or the objections made. He must also show how the amendments avoid such references or objections. In every instance where reconsideration is requested in view of an interview with the examiner or his assistant, the applicant, his attorney or agent must file a written statement of the reasons presented at the interview as warranting favorable action. Right to amend. Requisites of amendments.

After such action upon an application as will entitle the applicant to an appeal to the board of appeals (rule 134), or after appeal has been taken, amendments canceling claims or presenting those rejected in better form for consideration on appeal may be admitted; but the admission of such an amendment or its refusal, and any proceedings relative thereto, shall not operate to relieve the application from its condition as subject to appeal or to save it from abandonment under rule 171. Amendment after claims ready for appeal.

If amendments touching the merits of the application be presented after the case is in condition for appeal, or after appeal has been taken, they may be admitted upon a showing, duly verified, of good and sufficient reasons why they were not earlier presented.

From the refusal of the primary examiner to admit an amendment a petition will lie to the Commissioner under rule 142.

No amendment can be made in appealed cases between the filing of the examiner's statement of the grounds of his decision (rule 135) and the decision of the appellate tribunal. After decision on appeal amendments can only be made as provided in rule 140, or to carry into effect a recommendation under rule 139.

Request for reconsideration.

69. In order to be entitled to the reexamination or reconsideration provided for in rules 65 and 67 the applicant must make request therefor in writing, and he must distinctly and specifically point out the supposed errors in the examiner's action; the applicant must respond to every ground of objection and rejection of the prior office action except as provided in rule 64, and the applicant's action must appear throughout to be a *bona fide* attempt to advance the case to final action. The mere allegation that the examiner has erred will not be received as a proper reason for such reexamination or reconsideration.

Amendments to correspond to original drawing or specification.

70. In original applications all amendments of the drawings or specifications, and all additions thereto, must conform to at least one of them as it was at the time of the filing of the application. Matter not found in either, involving a departure from the original invention, can not be added to the application even though supported by a supplemental oath, and can be shown or claimed only in a separate application.

Inaccuracies of prolixity.

71. The specification and drawing must be amended and revised when required, to correct inaccuracies of description or unnecessary prolixity, and to secure correspondence between the claim, the specification, and the drawing.

Change in drawing.

But no change in the drawing may be made except by written permission of the office and after a photographic copy of the drawing as originally presented has been filed.

Specification not to be returned.

72. After the completion of the application the office will not return the specification for any purpose whatever. If applicants have not preserved copies of the papers which they wish to amend, the office will furnish them on the usual terms.

Drawings returned for correction.

The drawing may be withdrawn only for such corrections as can not be made by the office; but a drawing can not be withdrawn unless a photographic copy has been filed and accepted by the examiner as a part of the application. Permissible changes in the construction shown in any drawing may be made only by the office and after an approved photographic copy has been filed. Sketches filed to show proposed changes in construction must be in permanent ink. (See rule 30.) Substitute drawings will not be admitted in any case unless required by the office.

Amendments must be specific.

73. In every amendment the exact word or words to be striken out or inserted in the application must be specified and the precise point indicated where the erasure or

How written.

insertion is to be made. All such amendments must be on sheets of paper separate from the papers previously filed, and written on but one side of the paper. Erasures, additions, insertions, or mutilations of the papers and records must not be made by the applicant.

Numbering of claims.

The original numbering of the claims must be preserved throughout the prosecution. When the application is ready for allowance the examiner will renumber

the claims consecutively in such order as requested by the applicant or as indicated when the claims were first presented. Where claims are added by amendment or substituted for canceled claims they must be numbered by the applicant consecutively, beginning with the number next following the highest numbered claim previously in the case. *Provided, however*, that where a substitute claim either rewritten to include amendments already made, or to take the place of another claim, is presented and the applicant desires it to finally appear in the relative position occupied by the canceled claim, the substitute claim will be given the number it would have if it were an added claim, and the number will be followed by a directing clause as, for example: Claim 16 (to take the place of claim 3), or claim 24 (to follow claim 2). When, by subsequent amendment, still another claim is substituted for a substitute claim already presented, such last presented claim should be given the number following the highest numbered claim previously in the case and this should be followed by such a directing clause as will indicate the desired final position of the claim with respect to the other claims.

Signature to amendments.

Amendments and papers requiring the signature of the applicant must also, in case of assignment of an undivided part of the invention, be signed by the assignee. (Rules 6, 107.)

Specification rewritten.

74. When an amendatory clause is amended it must be wholly rewritten, so that no interlineation or erasure shall appear in the clause as finally amended, when the application is passed to issue. If the number or nature of the amendments shall render it otherwise difficult to consider the case, or to arrange the papers for printing or copying, the examiner or Commissioner may require the entire specification to be rewritten.

Patents showing but not claiming invention, and other references overcome by affidavit as to prior invention.

75. When an original or reissue application is rejected on reference to an expired or unexpired domestic patent which substantially shows or describes but does not claim the rejected invention, or on reference to a foreign patent or to a printed publication, and the applicant shall make oath to facts showing a completion of the invention in this country before the filing of the application on which the domestic patent issued, or before the date of the foreign patent, or before the date of the printed publication, and shall also make oath that he does not know and does not believe that the invention has been in public use or on sale in this country, or patented or described in a printed publication in this or any foreign country for more than one year* prior to his application, and that he has never abandoned the invention, then the patent or publication cited shall not bar the grant of a patent to the applicant, unless the date of such patent or printed publication be more than one year* prior to the date on which application was filed in this country.

*In the case of applications for patent filed prior to August 5, 1940, this period is two years instead of one year.

Affidavits supporting or traversing such references or objections may be received.

76. When an application is rejected on reference to an expired or unexpired domestic patent which shows or describes but does not claim the invention, or on reference to a foreign patent, or to a printed publication, or to facts within the personal knowledge of an employee of the office, set forth in an affidavit (when requested) of such employee (rule 66), or when rejected on the ground of public use or sale, or upon a mode or capability of operation attributed to a reference or because the alleged invention is held to be inoperative or frivolous or injurious to public health or morals, affidavits or depositions supporting or traversing these references or objections may be received, but affidavits will not be received in other cases without special permission of the Commissioner. (See rule 138.)

Rev. Stat., secs. 4894. Abandonment.

77. If an applicant neglects to prosecute his application for six months or such shorter time, not less than thirty days or any extensions thereof, as is fixed by the Commissioner, after the date when the last official notice of any action by the office was mailed to him, the application will be held to be abandoned, as set forth in rule 171.

The Commissioner of Patents may require prosecution of an application by the applicant in a shorter time than six months, but not less than thirty days, whenever such shorter time is deemed necessary or expedient. Unless notified in writing that response is required in less than six months, the maximum period of six months is allowed for the response.

The time for reply, when a time less than six months has been set, will be extended only for good and sufficient cause, and for a reasonable time specified. Any request for such extension must be filed on or before the day on which the response or other action is due, but in no case will the mere filing of the request effect any extension. Only one extension may be granted by the primary examiner; any further extension must be approved by the Commissioner. In no case can any extension be granted which will carry the date on which response to an action is due beyond six months from the date of the action.

Suspension of application.

Whenever action upon an application is suspended upon request of an applicant, and whenever an applicant has been called upon to put his application in condition for interference, the period of six months running against the application shall be considered as beginning at the date of the last official action preceding such actions.

Suspensions will only be granted for good and sufficient cause, and for a reasonable time specified. Only one suspension may be granted by the primary examiner; any further suspension must be approved by the Commissioner.

Whenever, during a time when the United States is at war, publication of an invention by the granting of a

patent might, in the opinion of the Commissioner, be detrimental to the public safety or defense or might assist the enemy or endanger the successful prosecution of the war, he may suspend action on the application therefor.

Amendment after notice of allowance without withdrawal from issue.

78. Amendments after the notice of allowance of an application will not be permitted as a matter of right, but may be made, if the specification has not been printed, on the recommendation of the primary examiner, approved by the Commissioner, without withdrawing the case from issue. (See rule 165.)

DESIGNS

Rev. Stat., secs. 4929 to 4933. Design patents, to whom granted.

79. A design patent may be obtained by any person who has invented any new, original, and ornamental design for an article of manufacture, not known or used by others in this country before his invention thereof, and not patented or described in any printed publication in this or any foreign country before his invention thereof, or more than one year* prior to his application, and not caused to be patented by him in a foreign country on an application filed more than six months before his application in this country, and not in public use or on sale in this country for more than one year* prior to his application, unless the same is proved to have been abandoned, upon payment of the fees required by law and other due proceedings had, the same as in cases of inventions or discoveries.

Rev. Stat., sec. 4931. Terms of design patents.

80. Patents for designs are granted for the term of three and one-half years, or for seven years, or for fourteen years, as the applicant may, in his application, elect.

Where the applicant requests that the patent issue for one of the shorter terms, he may, at any time before the allowance of the application, upon the payment of the additional fee, amend his application by requesting that the patent be issued for a longer term.

Rev. Stat., sec. 4933. Proceedings.

81. The proceedings in applications for patents for designs are substantially the same as in applications for other patents. Since a design patent gives to the patentee the exclusive right to make, use, and vend articles having the appearance of that disclosed, and since the appearance can be disclosed only by a picture of the article, the claim should be in the broadest form for the article as shown.

Arrangement of specification.

82. The following order of arrangement should be observed in framing design specifications:

(*a*) Preamble, stating name and residence of the applicant, title of the design, and the name of the article for which the design has been invented.

(*b*) Description of the figure or figures of the drawing.

(*c*) Claim.

(*d*) Signature of applicant.

*In the case of applications for patent filed prior to August 5, 1940, this period is two years instead of one year.

Rev. Stat., sec. 4930. Model.

83. When the design can be sufficiently represented by drawings a model will not be required.

84. The design must be represented by a drawing made to conform to the rules laid down for drawings of mechanical inventions.

(For forms to be used in applications for design patents, see appendix.)

REISSUES

Rev. Stat., secs. 4892, 4916. Reissue, when granted.

85. A reissue is granted when the original patent is inoperative or invalid by reason of a defective or insufficient specification, or by reason of the patentee claiming as his invention or discovery more than he had a right to claim as new, provided the error has arisen through inadvertence, accident, or mistake, and without any fraudulent or deceptive intention.

Reissue applications must be made and the specifications sworn to by the inventors if they be living.

Abstract of title. Assent of assignees.

86. The petition for a reissue must be accompanied by an order for a certified copy of the abstract of title, to be placed in the file, giving the names of all assignees owning any undivided interest in the patent. In case the application be made by the inventor it must be accompanied by the written assent of such assignees.

A reissue will be granted to the original patentee, his legal representatives or assigns, as the interest may appear.

Prerequisites. Oath of applicant for reissue.

87. Applicants for reissue, in addition to the requirements of the first sentence of rule 46, must also file with their petitions a statement on oath as follows:

(*a*) That applicant verily believes the original patent to be inoperative or invalid, and the reason why.

(*b*) When it is claimed that such patent is so inoperative or invalid "by reason of a defective or insufficient specification," particularly specifying such defects or insufficiencies.

(*c*) When it is claimed that such patent is inoperative or invalid "by reason of the patentee claiming as his own invention or discovery more than he had a right to claim as new," distinctly specifying the part or parts so alleged to have been improperly claimed as new.

(*d*) Particularly specifying the errors which it is claimed constitute the inadvertence, accident, or mistake relied upon, and how they arose or occurred.

(*e*) That said errors arose "without any fraudulent or deceptive intention" on the part of the applicant.

New matter.

88. New matter shall not be allowed to be introduced into the reissue specification, nor in the case of a machine shall the model or drawings be amended except each by the other.

Division of reissue of application.

89. The Commissioner may, in his discretion, cause several patents to be issued for distinct and separate parts of the thing patented, upon demand of the applicant, and upon payment of the required fee for each division of such reissued letters patent. Each division of a reissue constitutes the subject of a separate specification descriptive of the part or parts of the invention claimed in such division; and the drawing may represent only such part or parts, subject to the provisions of rule 50. Unless otherwise ordered by the Commissioner, all the divisions of a reissue will issue simultaneously; if there be any controversy as to one division, the others will be withheld from issue until the controversy is ended, unless the Commissioner shall otherwise order.

All divisions to issue simultaneously.

Reexamination of reissue claims.

90. An original claim, if reproduced in the reissue specification, is subject to reexamination, and the entire application will be revised and restricted in the same manner as original applications, excepting that division will not be required.

Original patent.

91. The application for a reissue must be accompanied by an offer to surrender the original patent. The application should also be accompanied by the original patent, or, if the original is lost or inaccessible, by an affidavit to that effect. The application may be accepted for examination in the absence of the original patent or the affidavit, but one or the other must be supplied before the case is allowed. If a reissue be refused, the original patent will be returned to applicant upon his request.

When an application for a reissue is filed, the examiner will place in the files of the original patent a notice stating that an application for reissue has been filed and the date it was filed. When the reissue is granted or the reissue application is otherwise terminated, that fact will be added to the notice in the file of the original patent.

Matter to be claimed only in a reissue.

92. Matter shown and described in an unexpired patent which is an indivisible part of the invention claimed therein, but which was not claimed by reason of a defect or insufficiency in the specification, arising from inadvertence, accident, or mistake, and without fraud or deceptive intent, can not be subsequently claimed by the patentee in a separate patent, but only in a reissue of the original patent.

INTERFERENCES

Rev. Stat., sec. 4904.

Interference defined.

93. An interference is a proceeding instituted for the purpose of determining the question of priority of invention between two or more parties claiming substantially the same patentable invention and may be instituted as soon as it is determined that common patentable subject matter is claimed in a plurality of applications or in an application and a patent. In order to ascertain whether any question of priority arises the Commissioner may call upon any junior applicant to state in

Amended June 5, 1917 and June 1, 1936.

writing under oath the date and the character of the earliest fact or act, susceptible of proof, which will be relied upon to establish conception of the invention under consideration. The sworn statement filed in compliance with this rule will be retained by the Patent Office separate from the application file and if an interference is declared will be opened simultaneously with the preliminary statement of the party filing the same. In case the junior applicant makes no reply within the time specified, not less than twenty days, the Commissioner will proceed upon the assumption that the said date is the date of the oath attached to the application. The fact that one of the parties has already obtained a patent will not prevent an interference, for, although the Commissioner has no power to cancel a patent, he may grant another patent for the same invention to a person who proves to be the prior inventor.

When declared.

94. Interferences will be declared between applications by different parties for patent or for reissue when such applications contain claims for substantially the same invention which are allowable in the application of each party, and interferences will also be declared between applications for patent, or for reissue, and unexpired original or reissued patents, of different parties, when such applications and patents contain claims for substantially the same invention which are allowable in all of the applications involved: *Provided*, That where the filing date of any applicant is subsequent to the filing date of any patentee, the applicant shall file an affidavit that he made the invention in controversy, in this country, before the filing date of the patentee; and, when required, the applicant shall file an affidavit setting forth facts showing that he completed the invention in controversy, in this country, before the filing date of the patentee.

Claims copied from a patent.

Where claims are copied from a patent and the examiner is of the opinion that the applicant can make only some of the claims so copied, he shall notify the applicant to that effect, state why he is of the opinion he cannot make the other claims and state further that the interference will be promptly declared and that the applicant may proceed under rule 109, if he further desires to contest his right to make the claims not included in the declaration of the interference.

Where an applicant presents a claim copied or substantially copied from a patent, he must, at the time he presents the claim, identify the patent, give the number of the patented claim, and specifically apply the terms of the copied claim to his own disclosure.

No amendment for the first time presenting or asserting a claim which is the same as, or for substantially the same subject matter as, a claim of an issued patent may be made in any application unless such amendment is filed within one year from the date on which said patent was granted.

Applications owned by same party.

Parties owning applications or patents which contain conflicting claims will be required to show cause why these claims shall not be eliminated from all but one of the applications or patents of common ownership.

Preparation for interference.

95. Before the declaration of interference it must be determined that there is common patentable subject matter in the cases of the respective parties. The issue must be clearly defined and be patentable to the respective parties, subject to the determination of the question of priority.

In case the subject matter in controversy has been patented to one of the parties but is deemed by the examiner not to be patentable to an applicant, he shall call the case to the attention of the Commissioner.

Suggestion of claims for interference.

96. Whenever the claims of two or more applications differ in phraseology, but relate to substantially the same patentable subject matter, the examiner shall suggest to the parties such claims as are necessary to cover the common invention in substantially the same language. The examiner shall send copies of the letter suggesting claims to the applicant and to the assignee, as well as to the attorney or agent of record in each case. The parties to whom the claims are suggested will be required to make those claims within a specified time in order that an interference may be declared. Upon the failure of any applicant to make any claim suggested within the time specified, such failure or refusal shall be taken without further action as a disclaimer of the invention covered by that claim unless the time be extended upon a proper showing. After judgment of priority the application of any party may be held for revision and restriction, subject to interference with other applications.

Conflicting parties having the same attorney or agent notified.

Whenever it shall be found that two or more parties whose interests are in conflict are represented by the same attorney or agent, the examiner shall notify each of said principal parties and also the attorney or agent of this fact.

Examiner preparing interference notices, etc.

97. When an interference is found to exist and the applications are prepared therefor, the primary examiner shall forward to the interference division the files and drawings; notices of interference for all the parties (as specified in rule 103) disclosing the name and residence of each party and those of his attorney or agent, and of any assignee, and, if any party be a patentee, the date and number of the patent; the ordinals of the conflicting claims and the title of the invention claimed; and the issue, which shall be clearly and concisely defined in so many counts or branches as may be necessary in order to include all interfering claims. Where the issue is stated in more than one count the respective claims involved in each count shall be specified. The primary examiner shall also forward a statement disclosing the applications involved in interference, fully identified, arranged in the inverse chronological order of the filing

of the completed applications, and also disclosing the issue or issues and the ordinals of the conflicting claims, the name and residence of any assignee, and the names and residences of all attorneys or agents, both principal and associate.

Revision of notices by examiner of interferences.

98. Upon receipt of the notices of interference, an examiner of interferences shall make an examination thereof, in order to ascertain whether the issues between the parties have been clearly defined, and whether they are otherwise correct. If he be of the opinion that the notices are ambiguous or are defective in any material point, he shall transmit his objections to the primary examiner, who shall promptly notify the examiner of interferences of his decision to amend or not to amend them.

Reference to Commissioner.

99. In case of a material disagreement between the examiner of interferences and the primary examiner, the points of difference shall be referred to the Commissioner for decision.

Primary examiner retains jurisdiction.

100. The primary examiner will retain jurisdiction of the case until the declaration of interference is made.

Jurisdiction of examiner of interferences.

101. Upon the institution and declaration of the interference, as provided in rule 102, the examiner of interferences will take jurisdiction of the same, which will then become a contested case.

Rev. Stat., sec. 4904.

102. When the notices of interference are in proper form, the examiner of interferences shall add thereto a designation of the time within which the preliminary statements required by rule 110 must be filed, and shall, *pro forma*, institute and declare the interference by forwarding the notices to the several parties to the proceeding.

Institution and declaration of interference.

Notices to parties.

103. The notices of interference shall be forwarded by the examiner of interferences to all the parties, in care of their attorneys or agents, if they have attorneys or agents, and, if the application or patent in interference has been assigned, to the assignees. When one of the parties has received a patent, a notice shall be sent to the patentee and to his attorney or agent of record.

Publication in Official Gazette.

When the notices sent in the interest of a patent are returned to the office undelivered, or when one of the parties resides abroad and his agent in the United States is unknown, additional notice may be given by publication in the Official Gazette for such period of time as the Commissioner may direct.

Motion for postponement of time for filing.

104. If either party require a postponement of the time for filing his preliminary statement, he shall present his motion, duly served on the other parties, with his reasons therefor, supported by affidavit, and such motion should be made, if possible, prior to the day previously set. But the examiner of interferences may, in his discretion, extend the time on *ex parte* request or upon his own motion.

Certified copies used in interference proceedings.

105. When an application is involved in an interference in which a part only of the invention is included in

the issue, the applicant may file certified copies of the part or parts of the specification, claims, and drawings which cover the interfering matter, and such copies may be used in the proceeding in place of the original application.

New application for claims not in interference.

106. When a part only of an application is involved in an interference, the applicant may withdraw from his application the subject matter adjudged not to interfere, and file a new application therefor, or he may file a divisional application for the subject matter involved, if the invention can be legitimately divided; *Provided*, That no claim shall be made in the application not involved in the interference broad enough to include matter claimed in the application involved therein.

Disclaimer to avoid interference.

107. An applicant or a patentee involved in an interference may at any time file a written disclaimer or concession of priority, or abandonment of the invention, signed by the inventor in person with the written consent of the assignee when there has been an assignment. Upon the filing of such an instrument by any party, judgment shall be rendered against him.

Abandonment of the contest.

An applicant, except an applicant for reissue having claims from his patent in the interference, may at any time prior to the taking of testimony avoid the continuance of the interference by filing a written abandonment of the contest, signed by the inventor in person with the written consent of the assignee when there has been an assignment. Upon the filing of such abandonment of the contest the interference shall be dissolved as to that party.

Upon a showing of sufficient cause, the disclaimer, or abandonment of the invention, or abandonment of the contest, above referred to, may be executed and filed by the assignee of the entire interest.

Where an interference is terminated as provided herein, the *ex parte* proceedings shall be in accordance with rule 132.

Inspection of claims of opposing parties.

108. After the preliminary statements referred to in rule 110 have been received and approved the parties will be permitted to see or obtain copies of each other's file wrappers, and so much of their contents as relates to the interference but the preliminary statements shall not be revealed to the opposing parties except as provided in rule 111.

Motion to amend interference.

109. An applicant involved in an interference may, within a time fixed by the examiner of interferences not less than thirty days after the preliminary statements (referred to in rule 110) of the parties have been received and approved, or if a motion to dissolve the interference has been brought by another party, within thirty days from the filing thereof, on motion duly made as provided by rule 153, file an amendment to his application containing any claims which in his opinion should be made the basis of interference between himself and any of the other parties.

As to new claims.

Such motion must be accompanied by the proposed amendment, and when in proper form will be set by the examiner of interferences for hearing before the primary examiner. Where a party opposes the admission of such an amendment in view of prior patents or publications, full notice of such patents or publications, applying them to the proposed counts, must be given to all parties at least twenty days prior to the date of hearing. On the admission of such amendment and the adoption of the claims by the other parties within a time specified the primary examiner shall redeclare the interference or shall declare such other interferences as may be necessary to include the said claims. New preliminary statements will be received as to the added claims, but motions for dissolution with regard thereto will not be considered where the questions raised could have been disposed of in connection with the admission of the claims. Amendments to the specification will not be received during the pendency of the interference without the consent of the Commissioner, except as provided herein and in rule 106.

Hearing before primary examiner.

Any party to an interference may bring a motion to put in interference any claims already in his application or patent which should be made the basis of interference between himself and any of the other parties. Any party to an interference may bring a motion to add or substitute any other application owned by him, as to the existing issue, or to include an application or a patent owned by him, as to claims which should be made the basis of interference between himself and any of the other parties. Such motions are subject to the same conditions and the procedure in connection therewith is the same, so far as applicable, as hereinabove set forth for motions to amend.

As to claims already in application.

As to other applications or patents owned by a party.

110. Each party to the interference will be required to file a concise preliminary statement, under oath, on or before a date to be fixed by the office. When the invention was made in the United States the statement should so allege and show the following facts:

Preliminary statements.

(*a*) The date upon which the first drawing of the invention and the date upon which the first written description of the invention were made.

Requirements of.

(*b*) The date upon which the invention was first disclosed to others.

(*c*) The date of the first act or acts (other than the acts specified in (*a*) and (*b*)) which, if proven, would establish conception of the invention, and a brief description of such acts or acts.

(*d*) The date of the reduction to practice of the invention.

(*e*) The date when he began actively exercising reasonable diligence in adapting and perfecting the invention.

(*f*) The applicant shall state the date and number of any application for the same invention filed within twelve months before the filing date in the United States, in any foreign country adhering to the International

Convention for the Protection of Industrial Property or having similar treaty relations with the United States.

If a drawing has not been made, or if a written description of the invention has not been made, or if the invention has not been reduced to practice or disclosed to others, or if there have been no other acts which, if proven, would establish conception of the invention, the statement must specifically disclose these facts.

Invention made abroad.

When the invention was made abroad the statement should so allege and set forth:

(*a*) That the applicant made the invention set forth in the declaration of interference.

(*b*) Whether or not the invention was ever patented; if so, when and where, giving the date and number of each patent, the date of publication, and the date of sealing thereof; and shall state the date, number, and country of the first application filed by him for the same invention before the filing in the United States.

(*c*) Whether or not the invention was ever described in a printed publication; if so, when and where, giving the title, place, and date of such publication.

(*d*) When the invention was introduced into this country, giving the circumstances with the dates connected therewith which are relied upon to establish the fact.

The preliminary statements should be carefully prepared, as the parties will be strictly held in their proofs to the dates set up therein.

If a party prove any date earlier than alleged in his preliminary statement, such proof will be held to establish the date alleged and none other.

The statement must be sealed up before filing (to be opened only by the examiner of interferences; see rule 111), and the name of the party filing it, the title of the case, and the subject of the invention indicated on the envelope. The envelope should contain nothing but this statement.

(For forms, see 31 and 32, appendix.)

When opened to inspection.

111. The preliminary statements shall not be opened to the inspection of the opposing parties until all motions to dissolve under rule 122 and all motions to amend under rule 109 and interlocutory appeals respecting the same have been finally disposed of or the time for filing such motions has expired without such a motion having been filed, and the case is in condition for taking of testimony.

A junior party who fails to file a preliminary statement or a party who alleges no date in his preliminary statement earlier than the filing date of the application or applications of another party shall not have access to the preliminary statement of said party.

If the interference be terminated by dissolution, the preliminary statements will remain sealed.

Notice to amend preliminary statement.

112. If, on examination, a statement is found to be defective in any particular, the party shall be notified of the defect and wherein it consists, and a time assigned

within which he must cure the same by an amended statement; but in no case will the original or amended statement be returned to the party after it has been filed.

Unopened statement.

Unopened statements will be removed from interference files and preserved by the office, and in no case will such statements be open to the inspection of the opposing party without authority from the Commissioner. If a party shall refuse to file an amended statement he may be restricted to his record date in the further proceedings in the interference.

Motion to amend preliminary statement.

113. In case of material error arising through inadvertence or mistake, the statement may be corrected on motion (see rule 153), upon a satisfactory showing that the correction is essential to the ends of justice. The motion to correct the statement must be made, if possible, before the taking of any testimony, and as soon as practicable after the discovery of the error.

Failure to file preliminary statement.

Failure to overcome *prima facie* case.

114. If the junior party to an interference, or if any party thereto other than the senior party, fail to file a statement, or if his statement fail to overcome the *prima facie* case made by the respective dates of application, such party shall be notified by the examiner of interferences that judgment upon the record will be rendered against him at the expiration of a time fixed by the examiner of interferences, not less than thirty days, unless cause be shown why such action should not be taken. Within this period any of the motions permitted by the rules may be brought, except a motion by such junior party denying the patentability of any claim constituting a count of the interference: *Provided, however*, That where a patent is not involved such junior party may file a statement as to his reasons for considering such claim or claims unpatentable, which statement shall be given due consideration by the primary examiner after the termination of the interference before passing the application of the successful party to issue. Motions brought after judgment on the record has been rendered will not be entertained unless sufficient reasons appear for the delay.

Failure to file statement; testimony excluded setting up invention prior to application date.

115. If a party to an interference fail to file a statement, testimony will not be received subsequently from him to prove that he made the invention at a date prior to his application.

Presumption as to order of invention.

116. The parties to an interference will be presumed to have made their inventions in the chronological order in which they filed their completed applications for patents clearly disclosing same; and the burden of proof will rest upon the party who shall seek to establish a different state of facts.

The termination of the interference by dissolution under rule 122 without an award of priority shall not disturb this presumption, and a party enjoying the status of a senior party with respect to any subject-matter of

his application shall not be deprived of any claim to such subject-matter solely on the ground that such claim was not added to the interference by amendment under rule 109.

Statement not evidence.

117. The preliminary statement can in no case be used as evidence in behalf of the party making it.

Time for taking testimony.

118. Times will be assigned in which the junior applicant shall complete his testimony in chief, and in which the other party shall complete the testimony on his side, and a further time in which the junior applicant may take rebutting testimony; but he shall take no other testimony. If there be more than two parties to the interference, the times for taking testimony will be so arranged that each shall have an opportunity to prove his case against prior applicants and to rebut their evidence, and also to meet the evidence of junior applicants.

Failure to take testimony.

119. Upon the filing of an affidavit by any senior party to an interference that the time for taking testimony on behalf of any junior party has expired and that no testimony has been taken by him, an order shall be entered that the junior party show cause within a time set therein, not less than ten days, why judgment should not be rendered against him, and in the absence of a showing of good and sufficient cause judgment shall be so rendered. If any showing be made in response to the order, it must be served upon the opposing party and noticed for hearing by the party filing it.

Postponement of hearing.

120. If either party desire to have the hearing continued, he shall make application for such postponement by motion (see rule 153), and shall show sufficient reason therefor by affidavit.

Enlargement of time for taking testimony.

121. If either party desire an extension of the time assigned to him for taking testimony, he shall make application therefor, as provided in rule 154 (*d*).

Motion to dissolve for irregularity, nonpatentability, etc.

122. Motions to dissolve an interference (1) alleging that there has been such informality in declaring the same as will preclude the proper determination of the question of priority of invention, or (2) denying the patentablility of an applicant's claim, or (3) denying his right to make the claim, or (4) if the interference involves a design patent or an application, alleging that there is no interference in fact and also motions to shift the burden of proof, should contain a full statement of the grounds relied upon and should, if possible, be made within the time fixed by the examiner of interferences, not less than thirty days, after the statements of the parties have been received and approved. Such motions and all motions of a similar character, if in the opinion of the examiner of interferences they be in proper form, will be heard and determined by the primary examiner, due notice of the day of hearing being given by the office to all parties. If in the opinion of the examiner of interferences the motion be not in proper form, or if it be

Motion to shift burden of proof. Statement of grounds.

not brought within the time specified and no satisfactory reason be given for the delay, it will not be considered and the parties will be so notified.

At a hearing on a motion to dissolve an interference between an application and a patent, the prior art of record in the patent file shall be referred to for the purpose of construing the issue. The matter raised on a motion to shift the burden of proof may be reviewed at final hearing.

Motions to effect stay of proceedings.

123. Setting a motion brought under the provisions of rule 109 or of rule 122 for hearing will act as a stay of proceedings pending the determination of the motion. To effect a stay of proceedings in other cases, motion should be made before the tribunal having jurisdiction of the interference, who will, sufficient ground appearing therefor, order a suspension of the interference pending the determination of such motion.

Appeals from adverse decision.

124. No appeal will be permitted from a decision rendered on a motion brought under the provisions of rules 109 and 122.

Appeals may be taken directly to the Commissioner from decisions on such other motions as, in his judgment, should be appealable.

Determination.

125. After an interference is finally declared it will not, except as herein otherwise provided, be determined without judgment of priority founded either upon the evidence, or upon a written concession of priority, or upon a written disclaimer of the invention, or upon a written declaration of abandonment of the invention, signed by the inventor himself (and by the assignee, if any).

Statutory bar suggested.

126. The board of interference examiners may, either before or in their decision on the question of priority, direct the attention of the Commissioner to any matter not relating to priority which may have come to their notice, and which, in their opinion, establishes the fact that no interference exists, or that there has been irregularity in declaring the same (rule 122), or which amounts to a statutory bar to the grant of a patent to either of the parties for the claim or claims in interference.

How determined.

The Commissioner may suspend the interference and remand the case to the primary examiner for his consideration of the matters to which attention has been directed. From the decision of the examiner appeal may be taken as in other cases. If the case shall not be so remanded, the primary examiner

will, after judgment consider any matter affecting the rights of either party to a patent which may have been called to his attention, unless the same shall have been previously disposed of by the Commissioner.

Second interference.

127. A second interference will not be declared upon a new application for the same invention filed by either party.

Suspension of interference for consideration of new references.

128. If, during the pendency of an interference, a reference be found which in the opinion of the primary examiner renders all or part of the interfering subject matter unpatentable, the attention of the examiner of interferences shall be called thereto. The examiner of interferences may suspend the interference and refer the case to the primary examiner for his determination of the question of patentability, and the interference shall be dissolved or continued in accordance with such determination. The consideration of such reference by the primary examiner shall be *inter partes*.

For addition of new parties.

129. If, during the pendency of an interference, another case appear, claiming substantially the subject matter in issue, the primary examiner shall request the suspension of the interference for the purpose of adding said case. Such suspension will be granted as a matter of course by the examiner of interferences if no testimony has been taken. If, however, any testimony has been taken, a notice for the proposed new party, disclosing the issue in interference and the names and addresses of the interferants and of their attorneys or agents, and notices for the interferants disclosing the name and address of the said party and his attorney or agent, shall be prepared by the primary examiner and forwarded to the examiner of interferences, who shall mail said notices and set a time of hearing on the question of the admission of the new party. If the examiner of interferences be of the opinion that the interference should be suspended and the new party added, he shall prescribe the terms for such suspension. The decision of the examiner of interferences as to the addition of a party shall be final.

Nonpatentability of claim to opponent as basis for priority.

130. Where the patentability of a claim to an opponent is material to the right of a party to a patent, said party may urge the nonpatentability of the claim to his opponent as a basis for the decision upon priority of invention. A party shall not be entitled to raise this question, however, unless he has duly presented and prosecuted a motion under rule 122 for dissolution upon this ground or shows good reason why such a motion was not presented and prosecuted.

At final hearing between an application and a patent the prior art of record in the patent file shall be referred to for the purpose of construing the issue.

Prosecution or defense by assignee.

131. When, on motion duly made and upon satisfactory proof, it shall be shown that, by reason of the inability or refusal of the inventor to prosecute or defend an interference, or from other cause, the ends of justice require that an assignee of an undivided interest in the invention be permitted to prosecute or defend the same, it may be so ordered.

Claims of defeated parties.

132. Whenever an award of priority has been rendered in an interference proceeding by any tribunal and the limit of appeal from such decision has expired, and whenever an interference has been terminated as provided in rule 107, the primary examiner shall advise the defeated or unsuccessful party or parties to the interference that their claim or claims which were so involved in the issue stand finally rejected.

APPEALS TO THE BOARD OF APPEALS AND PETITIONS TO THE COMMISSIONER IN THE EX PARTE PROSECUTION OF APPLICATIONS

Rev. Stat., sec. 4909.
Appeal to board of appeals.

133. Every applicant for a patent, any of the claims of whose application have been twice rejected for the same reasons, upon grounds involving the merits of the invention, such as lack of invention, novelty, or utility, or on the ground of abandonment, public use or sale, inoperativeness of invention, aggregation of elements, incomplete combination of elements, or, when amended, for want of identity with the invention originally disclosed, or because the amendment involves a departure from the invention originally presented; and every applicant who has been twice required to divide his application, and every applicant for the reissue of a patent whose claims have been twice rejected for any of the reasons above enumerated, or on the ground that the original patent is not inoperative or invalid, or if so inoperative or invalid that the errors which rendered it so did not arise from inadvertence, accident, or mistake, may, upon payment of a fee of $15, appeal from the decision of the primary examiner to the board of appeals. The appeal must set forth in writing the points of the decision upon which it is taken, and must be signed by the applicant or his duly authorized attorney or agent.

134. Rule canceled.

Examiner's statement of grounds of decision.

135. Upon the filing of the appeal the same shall be submitted to the primary examiner, who, if he find it to be regular in form, and to relate to an appealable action, shall within ten days from the filing thereof furnish the boards of appeals with a written statement of the grounds of his decision on all the points involved in the appeal, with copies of the rejected claims and with the references applicable thereto, giving a concise explanation of the invention claimed and of the subject matter of the references so far as pertinent to the appealed claims. The examiner shall at the time of making such statement furnish a copy of the same to the appellant. If the primary examiner shall decide that the appeal is not regular in form or does not relate to an appealable action, a petition from such decision may be taken directly to the Commissioner, as provided in rule 142.

136. Rule canceled.

Oral hearing before board of appeals.

137. On filing of an appeal to the Board of Appeals a day of hearing will be fixed and due notice thereof given to the appellant, who shall file a brief of the authorities and arguments on which he will rely to maintain his appeal twenty days before the day of hearing. The Examiner may thereupon, in his discretion and at least five days before the day of hearing, reply thereto. At the time of making any such reply, the Examiner shall furnish a copy of the same to the appellant.

Application remanded for reconsideration on affidavits.

138. Affidavits or exhibits submitted after the case has been appealed will not be admitted without remanding the application to the Primary Examiner for reconsideration; but the appellate tribunal may in their discretion refuse to remand the case and proceed with the same without accepting the affidavits or exhibits.

Rev. Stat., secs. 482 and 4909. Decision of board of appeals.

139. The board of appeals in its decision shall affirm or reverse the decision of the primary examiner only on the points on which appeal shall have been taken. (See rule 133.) Should it discover any apparent grounds not involved in the appeal for granting or refusing letters patent in the form claimed, or in any other form, it shall include in its decision a statement to that effect with its reasons for so holding.

Discovery of grounds for granting or refusing patent not involved in appeal.

This statement of the board of appeals, if adverse to applicant's right to a patent, will reopen the case for amendment or showing of facts, or both, before the primary examiner responsive thereto. The statement shall be binding upon the primary examiner unless an amendment or showing of facts not previously of record be made which, in the opinion of the primary examiner, avoids the additional grounds for refusal of the patent stated in the decision.

The applicant may waive the right to further prosecution before the primary examiner and have the case reconsidered by the board of appeals upon the same record. Where request for such reconsideration is made the board of appeals shall render a new decision which shall include

all grounds upon which a patent is refused. The applicant may waive reconsideration by the board of appeals and treat the decision, including the added grounds for refusal of a patent given by the board of appeals, as a final decision in the case.

Board of appeals amendments referred to primary examiner.

Should the decision of the board of appeals include a statement that the patent may be granted in amended form, applicant shall have the right to amend in conformity with such statement, which shall be binding on the primary examiner in the absence of new references or grounds of rejection.

Rehearings.

140. Cases which have been decided by the Commissioner or by the board of appeals will not be reopened by the primary examiner, except under the provisions of rule 139, without the written authority of the Commissioner, and then only for the consideration of matters not already adjudicated upon, sufficient cause being shown. (Rule 68.)

Jurisdiction.

141. After decision by an appellate tribunal the case shall be remanded at once to the primary examiner, subject to the applicant's right of appeal, for such action as will carry into effect the decision, or for such further action as the applicant is entitled to demand.

Petition to Commissioner without fee.

142. Upon receiving a petition stating concisely and clearly any proper question which has been twice acted upon by the examiner, and which does not involve the merits of the invention claimed, the rejection of a claim or a requirement for division, and also stating the facts involved and the point or points to be reviewed, an order may be made directing the examiner to furnish a written statement of the grounds of his decision upon the matters averred within five days. The examiner shall at the time of making such statement furnish a copy thereof to the petitioner. No fee is required for such a petition. Hearing will be granted in the discretion of the Commissioner.

APPEALS TO THE BOARD OF APPEALS IN CONTESTED CASES

Rev. Stat., secs. 4904, 4909.

143. There is no appeal to the board of appeals in interferences. Interferences declared prior to October 5, 1939, will be governed by the statutes and rules in effect on August 4, 1939, with respect to appeals.

144. Rule canceled.

145. Rule canceled.

146. Rule canceled.

RECONSIDERATION OF CASES DECIDED BY FORMER COMMISSIONER

147. Cases which have been decided by one Commissioner will not be reconsidered by his successor except in accordance with the principles which govern the granting of new trials.

APPEALS TO THE U. S. COURT OF CUSTOMS AND PATENT APPEALS

Rev. Stat., secs. 4911 and 4912. Appeal to court.

148. From the adverse decision of the board of appeals upon the claims of an application and from the decision of the board of interference examiners, an appeal may be taken to the U. S. Court of Customs and Patent Appeals in the manner prescribed by the rules of that court. (See appendixes of court rules and forms, immediately preceding the "Index of Rules.")

Rev. Stat., secs. 4911 and 4912. Notice to Commissioner of appeal to court.

149. When an appeal is taken to the United States Court of Customs and Patent Appeals, the appellant shall give notice thereof to the Commissioner, and file in the Patent Office, within 40 days, exclusive of Sundays and legal holidays in the District of Columbia but including Saturday half holidays, from the date of the decision appealed from, his reasons of appeal specifically set forth in writing; *Provided*, however, That if a petition for rehearing or reconsideration is filed within 20 calendar days after said decision, the notice of appeal may be given and the reasons of appeal filed within 15 calendar days after action on the petition. No petition for rehearing or reconsideration filed more than 20 calendar days after such decision, nor any proceedings on such petition, shall operate to extend the period of 40 days hereinabove provided for appeal.

If an applicant in an *ex parte* case appeals to the U. S. Court of Customs and Patent Appeals he waives his right to proceed under section 4915 R. S. (U. S. C., title 35, sec. 63).

If a defeated party to an interference proceeding appeals to the U. S. Court of Customs and Patent Appeals, and any adverse party to the interference shall, within twenty days after the appellant shall have filed notice of the appeal to the court, file notice with the Commissioner that he elects to have all further proceedings conducted as provided in section 4915 R. S., certified copies of the foregoing papers will be transmitted to the U. S. Court of Customs and Patent Appeals for such action as may be necessary. The notice of election must be served as provided in rule 154 (*b*). [See rule 153 (*a*).]

From adverse decisions by the board of appeals in *ex parte* cases and from decisions of the board of interference examiners, the appellant, if an applicant, has the option of proceeding under section 4915 R. S. instead of appealing directly to the U. S. Court of Customs and Patent Appeals.

Pro forma proceedings in Patent Office.

150. *Pro forma* proceedings will not be had in the Patent Office for the purpose of securing to applicants an appeal to the U. S. Court of Customs and Patent Appeals.

(For forms of appeals and rules of the U. S. Court of Customs and Patent Appeals respecting appeals, see appendixes immediately preceding the "Index of Rules".)

HEARINGS

Hour of hearing.

151. Hearings will be had by the board of appeals at the hour stated in the notice and by the examiner of interferences upon interlocutory matters at 10 o'clock a. m., and upon final hearings at 11 o'clock a. m., on the day appointed unless some other hour be specifically designated. If either party in a contested case, or the appellant in an *ex parte* case, appear at the proper time, he will be heard. After the day of hearing, a contested case will not be taken up for oral argument except by consent of all parties. If the engagements of the tribunal having jurisdiction be such as to prevent the case from being taken up on the day of hearing, a new assignment will be made, or the case will be continued from day to day until heard. Unless it shall be otherwise ordered before the hearing begins, oral arguments will be limited to one hour for each party in contested cases on final hearing and to one-half hour in other cases. After a contested case has been argued, nothing further relating thereto will be heard unless upon request of the tribunal having jurisdiction of the case; and all interviews for this purpose with parties in interest or their attorneys or agents will be invariably denied. Petitions for rehearings or modification of the decision must be filed within twenty days after the decision or before the limit of appeal expires. (See rule 149.)

152. Hearings in *ex parte* and contested cases will, as far as is convenient and proper, be set, advanced, and adjourned to meet the wishes of the parties and their attorneys or agents.

MOTIONS

Notice.

Proof of service. (See rule 119.)

153. In contested cases reasonable notice of all motions, and copies of motion papers and affidavits, must be served as provided in rule 154 (*b*). Proof of such service must be made before the motion will be entertained by the office. A statement of the attorney or agent attached to or appearing on the original papers when filed clearly stating the time and manner in which service was made will be accepted as *prima facie* proof of service. Motions

will not be set for hearing unless certified to by the applicant or an attorney or agent of record that the motion is not interposed for purpose of delay and that it is believed to be well founded in law and fact. Motions will not be heard in the absence of either party except upon default after due notice. Motions will be heard in the first instance by the officer or tribunal before whom the particular case may be pending. In original hearings on motions the moving parties shall have the right to make the opening and closing arguments. In contested cases the practice on points to which the rules are not applicable shall conform as nearly as possible to the Rules of Civil Procedure for the District Courts of the United States.

Jurisdiction.

Right to open and close.

Equity practice in cases to which rules do not apply.

153. (*a*) Every paper filed in the Patent Office in contested cases must be served upon the other parties as provided in rule 154 (*b*). This includes all appeals in such cases.

TESTIMONY IN INTERFERENCES AND OTHER CONTESTED CASES

154. The following rules have been established for taking and transmitting testimony in interferences and other contested cases:

Rev. Stat., sec. 4905.

(*a*) Before the depositions of witnesses shall be taken by either party due notice shall be given to the opposing party, as hereinafter provided, of the time when and place where the depositions will be taken, of the cause or matter in which they are to be used, and of the names and residences of the witnesses to be examined, and the opposing party shall have full opportunity, either in person or by attorney or agent, to cross-examine the witnesses. If the opposing party shall attend the examination of witnesses not named in the notice, and shall either cross-examine such witnesses or fail to object to their examination, he shall be deemed to have waived his right to object to such examination for want of notice. Neither party shall take testimony in more than one place at the same time, nor so nearly at the same time that reasonable opportunity for travel from one place of examination to the other can not be had.

Notice.

Waiver.

Reasonable time for travel.

(*b*) The notice for taking testimony or for motions must be served (unless otherwise stipulated in an instrument in writing filed in the case) upon the attorney or agent of record, if there be one, or, if there be no attorney or agent of record, upon the adverse party. Reasonable time must be given therein for such adverse party to reach the place of examination. Service of such notice may be made in either of the following ways: (1) by delivering a copy of the notice to the adverse party, his attorney or his agent; (2) by leaving a copy at the usual place of business of the adverse party, his attorney or his agent with some one in his employment; (3) when such adverse party, his attorney or his agent has

Service of notice.

no usual place of business, by leaving a copy at his residence, with a member of his family over 14 years of age and of discretion; (4) transmission by registered letter; (5) by express. Whenever it shall be satisfactorily shown to the Commissioner that neither of the above modes of obtaining or serving notice is practicable, the notice may be published in the Official Gazette. Such notice shall, with sworn proof of the fact, time, and mode of service thereof, be attached to the deposition or depositions, whether the opposing party shall have cross-examined or not.

Official certificate.

(*c*) Each witness before testifying shall be duly sworn according to law by the officer before whom his deposition shall be taken. The deposition shall be carefully read over by the witness, or by the officer to him, and shall then be subscribed by the witness in the presence of the officer unless the reading and the signature be waived on the record by agreement of all parties. The officer shall annex to the deposition his certificate showing (1) the due administration of the oath by the officer to the witness before the commencement of his testimony; (2) the name of the person by whom the testimony was taken down, and whether if not taken down by the officer it was taken down in his presence; (3) the presence or absence of the adverse party; (4) the place, day, and hour of commencing and taking the deposition; (5) that the deposition was read by or to the witness before he signed the same, and that he signed the same in the presence of the officer; and (6) the fact that the officer was not connected by blood or marriage with either of the parties, nor interested, directly or indirectly, in the matter in controversy. If any of the foregoing requirements are waived the certificate shall so state. The officer shall sign the certificate and affix thereto his seal of office, if he have such seal. Unless waived on the record by agreement he shall then, without delay, securely seal up all the evidence, notices, and paper exhibits, inscribe upon the envelope a certificate giving the title of the case, the name of each witness, and the date of sealing, address the package, and forward the same to the Commissioner of Patents. If the weight or bulk of an exhibit shall exclude it from the envelope, unless waived on the record by agreement of all parties, it shall be authenticated by the officer and transmitted in a separate package, marked and addressed as above provided.

Depositions to be sealed up, addressed, and forwarded to Commissioner.

Exhibits.

Motion to extend time for taking testimony.

(*d*) If a party shall be unable to take any testimony within the time limited, and desire an extension for such purpose, he must file a motion, accompanied by a statement under oath setting forth specifically the reason why such testimony has not been taken, and distinctly averring that such motion is made in good faith, and not for the purpose of delay.

If either party shall be unable to procure the testimony of a witness or witnesses within the time limited, and

desire an extension for such purpose, he must file a motion, accompanied by a statement under oath setting forth the cause of such inability, the name or names of such witness or witnesses, the facts expected to be proved by such witness or witnesses, the steps which have been taken to procure such testimony, and the dates on which efforts have been made to procure it. (See rule 153.)

Official records and special matter offered in evidence.

(*e*) Upon notice given to the opposite party before the closing of the testimony, any official record, and any special matter contained in a printed publication, if competent evidence and pertinent to the issue, may be used as evidence at the hearing.

Depositions to be filed in Patent Office.

(*f*) All depositions which are taken must be duly filed in the Patent Office. On refusal to file, the office at its discretion will not further hear or consider the contestant with whom the refusal lies; and the office may, at its discretion, receive and consider a copy of the withheld deposition, attested by such evidence as is procurable.

Formalities.

155. The pages of each deposition must be numbered consecutively, and the name of the witness plainly and conspicuously written at the top of each page. The testimony preferably should be written upon legal paper, 8 by 13 inches, with a wide margin on the left-hand side of the page, and with the writing on one side only of the sheet.

Formalities.

156. The testimony will be taken in answer to interrogatories, with the questions and answers committed to writing in their regular order by the officer, or by some person not interested in the case either as a party thereto or as attorney or agent. With the written consent of all parties present the testimony may be taken down stenographically and transcribed. The testimony shall be taken down by the officer or in his presence, except when his presence is waived on the record by agreement of the parties.

Testimony taken stenographically.

Where testimony is taken stenographically, a longhand or typewritten copy shall be read to the witness, or read over by him, as soon as it can be made, and shall be signed by him as provided in paragraph (*c*) of rule 154 except when waived on the record by agreement of all parties.

Officer competent to take testimony.

No officer who is connected by blood or marriage with either of the parties, or interested, directly or indirectly, in the matter in controversy, either as counsel, attorney, agent, or otherwise, is competent to take depositions, unless with the written consent of all the parties.

In the absence of all opposing parties and their attorneys or agents, testimony may be taken in longhand, typewriting, or stenographically.

Testimony taken in one interference may be used in another.

157. Upon motion duly made and granted (see rule 153) testimony taken in an interference proceeding may be used in any other or subsequent interference proceeding, so far as relevant and material, subject, however, to the right of any contesting party to recall witnesses

whose depositions have been taken, and to take other testimony in rebuttal of the depositions.

Rev. Stat., sec. 4905.
Testimony taken in foreign countries.

158. Upon motion duly made and granted (see rule 153) testimony may be taken in foreign countries, upon complying with the following requirements:

Motion.

(*a*) The motion must designate a place for the examination of the witnesses at which an officer duly qualified to take testimony under the laws of the United States in a foreign country shall reside, and it must be accompanied by a statement under oath that the motion is made in good faith, and not for the purposes of delay or of vexing or harassing any party to the case; it must also set forth the names of the witnesses, the particular facts to which it is expected each will testify, and the grounds on which is based the belief that each will so testify.

Motion.

(*b*) It must appear that the testimony desired is material and competent, and that it can not be taken in this country at all, or can not be taken here without hardship and injury to the moving party greatly exceeding that to which the opposite party will be exposed by the taking of such testimony abroad.

Interrogatories. Cross-interrogatories.

(*c*) Upon the granting of such motion, a time will be set within which the moving party shall file in duplicate the interrogatories to be propounded to each witness, and serve a copy of the same upon each adverse party, who may, within a designated time, file, in duplicate, cross-interrogatories.

Objections.

Objections to any of the interrogatories or cross-interrogatories may be filed at any time before the depositions are taken, and such objections will be considered and determined upon the hearing of the case.

Papers sent to proper officer.

(*d*) As soon as the interrogatories and cross-interrogatories are decided to be in proper form, the Commissioner will cause them to be forwarded to the proper officer, with the request that, upon payment of, or satisfactory security for, his official fees, he notify the witnesses named to appear before him within a designated time and make answer thereto under oath; and that he reduce their answers to writing, and transmit the same, under his official seal and signature, to the Commissioner of Patents with the certificate prescribed in rule 154 (*c*).

Stipulations.

(*e*) By stipulation of the parties the requirements of paragraph (*c*) as to written interrogatories and cross-interrogatories may be dispensed with, and the testimony may be taken before the proper officer upon oral interrogatories by the parties, their attorneys or their agents.

Weight of testimony taken in foreign countries.

(*f*) Unless false swearing in the giving of such testimony before the officer taking it shall be punishable as perjury under the laws of the foreign state where it shall be taken, it will not stand on the same footing in the Patent Office as testimony duly taken in the United States; but its weight in each case will be determined by the tribunal having jurisdiction of such case.

Evidence on hearing.

159. Evidence touching the matter at issue will not be considered on the hearing which shall not have been

taken and filed in compliance with these rules. But notice will not be taken of merely formal or technical objections which shall not appear to have wrought a substantial injury to the party raising them; and in case of such injury it must be made to appear that, as soon as the party became aware of the ground of objection, he gave notice thereof to the office, and also to the opposite party, informing him at the same time that, unless it be removed, he (the objector) will urge his objection at the hearing. This rule is not to be so construed as to modify established rules of evidence, which will be applied strictly in all practice before the office.

Formal objections to evidence.

Rules of evidence.

160. The law requires the clerks of the various courts of the United States to issue subpœnas to secure the attendance of witnesses whose depositions are desired as evidence in contested cases in the Patent Office.

Rev. Stat., sec. 4906. Subpœnas.

161. After testimony is filed in the office it may be inspected by any party to the case, but it can not be withdrawn for the purpose of printing. It may be printed by some one specially designated by the office for that purpose, under proper restrictions.

Inspection.

Printing.

162. Thirty-one or more printed copies of the testimony must be furnished—five for the use of the office, one for each of the opposing parties, and twenty-five for the U. S. Court of Customs and Patent Appeals should appeal be taken. If no appeal be taken, the twenty-five copies will be returned to the party filing them. The preliminary statement required by rule 110 must be printed as a part of the record. These copies of the record of the junior party's testimony must be filed not less than fifty-five days before the day for final hearing, and in the case of the senior party not less than thirty-five days. The size of the record shall be 7⅝ by 10¼ inches and the type matter shall be 4⅛ by 7⅛ inches. They shall be printed in 11-point type and adequately leaded; and the paper must be opaque and unglazed. The names of the witnesses must appear at the top of the pages over their testimony, and the record must contain indexes with the names of all witnesses and reference to the pages where copies of papers and documents introduced as exhibits are shown.

Copies of testimony.

Where, however, a record does not exceed one hundred and twenty-five letter-sized double-spaced typewritten pages or the equivalent thereof, printing may be dispensed with upon request: *Provided, however*, That there shall be furnished, in addition to the original transcript, clearly legible copies of the typewritten testimony, which shall be certified to as being true copies by the party filing the same, four for the office, which shall not become part of the record, and one for each adverse party, to be filed within the time specified for filing printed copies.

Printing dispensed with.

When it shall appear, on motion duly made and by satisfactory proof, that a party, by reason of poverty, is unable to print his testimony, the printing may be dispensed with; but in such case typewritten copies must be furnished—four for the office and one for each adverse party.

BRIEFS

Briefs, size and time of filing.

163. Briefs at final hearing in contested cases shall be submitted in printed form and shall be of the same size and the same as to page and print as the printed copies of testimony. Where the brief does not exceed thirty legal-sized double-spaced typewritten pages or the equivalent thereof, and in any case where satisfactory reason therefor is shown, typewritten briefs may be submitted. Four copies of the brief at final hearing shall be filed by each party on dates to be set by the examiner of interferences, provided that the date as to the senior party shall be not less than fifteen days after the filing by the junior party and not less than ten days before final hearing. Service to be as provided in rule 154 (*b*).

At interlocutory hearings typewritten briefs may be used. Briefs in support of or opposition to motions under rule 109 and rule 122 shall, except as hereinafter provided, be filed in the Patent Office not less than ten days prior to the date of hearing with proof of service on the opposing parties under the provisions of rule 154 (*b*), and if not so filed consideration thereof may be refused. By stipulation of the parties or by order of the tribunal before whom the hearing is had briefs may be filed otherwise than as here prescribed.

ISSUE

Notice of allowance.

164. If, on examination, it shall appear that the applicant is justly entitled to a patent under the law, a notice of allowance will be sent him, his attorney or his agent, calling for the payment of the final fee within six months from the date of such notice of allowance, upon the receipt of which within the time fixed by law the patent will be prepared for issue. (See rules 167, 194.)

Rev. Stat., secs. 4885, 4893, 4897.

Withdrawal from issue.

165. After notice of the allowance of an application is given, the case will not be withdrawn from issue except by approval of the Commissioner, and if withdrawn for further action on the part of the office a new notice of allowance will be given. When the final fee has been paid upon an application for letters patent, and the case

New notice.

has received its date and number, it will not be withdrawn from issue on account of any mistake or change of purpose of the applicant, his attorney or his agent, nor for the purpose of enabling the inventor to procure a foreign patent, nor for any other reasons except mistake on the part of the office, or because of fraud, or illegality in the application, or for interference. (See rule 78.)

Withdrawal from issue will not stay abandonment.

166. Whenever the Commissioner shall direct the withdrawal of an application from issue on request of an applicant for reasons not prohibited by rule 165, this withdrawal will not operate to stay the period of six months provided by rule 77 running against the application, which begins to attach from the date of the notice of allowance.

DATE, DURATION, AND FORM OF PATENTS

Rev. Stat., sec. 4885.

Date of patent.

167. Every patent shall issue within a period of three months from the date of the payment of the final fee, which fee shall be paid not later than six months from the time at which the application was passed and allowed and notice thereof was sent to the applicant, his attorney or his agent; and if the final fee be not paid within that period the patent shall be withheld. (See rule 175.) In the absence of request to suspend issue the patent will issue in regular course. The issue closes weekly on Thursday, and the patents bear date as of the fourth Tuesday thereafter.

Patent withheld.

Weekly issue and final fees.

A patent will not be antedated.

Not antedated.

Rev. Stat., sec. 4884.

168. Every patent will contain a short title of the invention or discovery indicating its nature and object, and a grant to the patentee, his heirs and assigns, for the term of seventeen years, of the exclusive right to make, use, and vend the invention or discovery throughout the United States and the Territories thereof. The duration of a design patent may be for the term of three and one-half, seven, or fourteen years, as provided in rule 80. A copy of the specification and drawings will be annexed to the patent and form part thereof.

Title of invention.

Grant.

Term.

Term of design patent.

DELIVERY

Delivery of patent.

169. The patent will be delivered or mailed on the day of its date to the attorney or agent of record, if there be one; or, if the attorney or agent so request, to the patentee or assignee of an interest therein; or, if there be no attorney or agent, to the patentee or to the assignee of the entire interest, if he so request.

CORRECTION OF ERRORS IN LETTERS PATENT

Correction of mistakes incurred through fault of the office. Act approved Mar. 4, 1925.

170. Whenever a mistake, incurred through the fault of the office, is clearly disclosed by the records or files of the office, a certificate, stating the fact and nature of such mistake, signed by the Commissioner of Patents, and sealed with the seal of the Patent Office, may, at the request of the patentee or his assignee, be indorsed without charge upon the letters patent, and recorded in the records of patents, and a printed copy thereof attached to each printed copy of the specification and drawing.

Not incurred through fault of the office.

Mistakes not incurred through the fault of the office, and not affording legal grounds for reissues, will not be corrected after the delivery of the letters patent to the patentee, his attorney or his agent.

Changes or corrections will not be made in letters patent after the delivery thereof to the patentee, his attorney or his agent, except as above provided.

ABANDONED, FORFEITED, AND REVIVED APPLICATIONS

Rev. Stat., sec. 4894. Abandoned application.

171. An abandoned application is one in which all the essential parts have not been filed so that it is completed and prepared for examination within a period of six months, or which the applicant has failed to prosecute within six months or such shorter time, not less than thirty days or any extensions thereof, as is fixed by the Commissioner, after any action therein of which notice has been duly given (see rules 31 and 77), or which the applicant has expressly abandoned by filing in the office a written declaration of abandonment, signed by himself and assignee, if any, identifying his application by title of invention, serial number, and date of filing. (See rule 60.)

Prosecution of an application to save it from abandonment must include such proper action as the condition of the case may require. The admission of an amendment not responsive to the last official action, or refusal to admit the same, and any proceedings relative thereto, shall not operate to save the application from abandonment under section 4894 of the Revised Statutes. (U. S. C., title 35, sec. 37.)

Rev. Stat., sec. 4894. Revival of application.

172. Before an application abandoned by failure to complete or prosecute can be revived as a pending application it must be shown to the satisfaction of the Commissioner that the delay was unavoidable.

New application.

173. When a new application is filed in place of an abandoned application, a new petition, specification, oath, and fee will be required; but the old drawing, if

suitable, may be used upon the filing of suitable permanent photographic copies thereof.

Forfeited or withheld application.

174. A forfeited application is one upon which a patent has been withheld for failure to pay the final fee within the prescribed time. (See rule 167.)

Rev. Stat., sec. 4885. Delayed payment of final fee.

175. The Commissioner of Patents may in his discretion receive the final fee if paid within one year after the six months' period for payment has passed and the patent shall issue. Each petition for the delayed payment of the final fee shall be accompanied by the final fee and the petition fee, and a verified statement in support of the petition.

176. Rule canceled.

Not cited as references.

177. Forfeited and abandoned applications will not be cited as references.

No notice of subsequent applications.

178. Notice of the filing of subsequent applications will not be given to applicants while their cases remain forfeited.

Copies.

179. Copies of the files of forfeited and abandoned applications may be furnished when ordered by the Commissioner. The requests for such copies must be presented in the form of a petition properly verified as to all matters not appearing of record in the Patent Office. (See Form 30.)

EXTENSIONS

Rev. Stat., sec. 4924.

180. Patents cannot be extended except by act of Congress.

DISCLAIMERS

Rev. Stat., secs. 4917, 4922. Disclaimers. Grounds, forms, and effect.

181. Whenever, through inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, a patentee has claimed as his invention or discovery more than he had a right to claim as new, his patent will be valid for all that part which is truly and justly his own, provided the same is a material or substantial part of the thing patented; and any such patentee, his heirs or assigns, whether of the whole or any sectional interest therein, may, on payment of the fee required by law ($10), make disclaimer of such parts of the thing patented as he or they shall not choose to claim or to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent. Such disclaimer shall be in writing, attested by one of more witnesses, and recorded in the Patent Office; and it shall thereafter be considered as part of the original specification to the extent of the interest possessed by the claimant and by

those claiming under him after the record thereof. But no such disclaimer shall affect any action pending at the time of filing the same, except as to the question of unreasonable neglect or delay in filing it.

Different kinds of disclaimers.

182. The statutory disclaimers treated in rule 181 are to be distinguished from those which are embodied in original or reissue applications, as first filed or subsequently amended, referring to matter shown or described, but to which the disclaimant does not choose to claim title, and also from those made to avoid the continuance of an interference. The disclaimers falling within this present rule must be signed by the applicant in person and require no fee. (See rule 107. For forms of disclaimers see appendix, Forms 25 and 26.)

ASSIGNMENTS

Rev. Stat., sec. 4898. Assignability of patents.

183. Every patent or any interest therein is assignable in law by an instrument in writing; and the patentee or his assigns or legal representatives may, in like manner, grant and convey an exclusive right under the patent to the whole or any specified part of the United States.

In whom may be vested.

184. Interest in patents may be vested in assignees, in grantees of exclusive territorial rights, in mortgages, and in licensees.

Assignees.

(*a*) An assignee is a transferee of the whole interest of the original patent or of an undivided part of such whole interest, extending to every portion of the United States. The assignment must be written or printed and duly signed.

Grantees.

(*b*) A grantee acquires by the grant the exclusive right, under the patent, to make, use, and vend, and to grant to others the right to make, use, and vend, the thing patented within and throughout some specified part of the United States, excluding the patentee therefrom. The grant must be written or printed and be duly signed.

Mortgages.

(c) A mortgage must be written or printed and be duly signed.

Licenses.

(*d*) A licensee takes an interest less than or different from either of the others. A license may be oral, written, or printed, and if written, or printed, must be duly signed.

Rev. Stat., sec. 4898. Recording.

185. An assignment, grant, or conveyance of a patent will be void as against any subsequent purchaser or mortgagee for a valuable consideration without notice unless recorded in the Patent Office within three months from the date thereof or prior to such subsequent purchase or mortgage.

Act Mar. 3, 1897. Acknowledgment.

If any assignment, grant, or conveyance of any patent shall be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any Commissioner of any court of the United States

for any District or Territory, or before any secretary of legation or consular officer authorized to administer oaths or perform notarial acts under section 1750 of the Revised Statutes (U. S. C., title 22, sec. 131), the certificate of such acknowledgment, under the hand and official seal of such notary or other officer, shall be prima facie evidence of the execution of such assignment, grant, or conveyance.

Recording.

186. No instrument will be recorded which is not in the English language and which does not, in the judgment of the Commissioner, amount to an assignment, grant, mortgage, lien, incumbrance, or license, or which does not affect the title of the patent or invention to which it relates. Such instrument should identify the patent by date and number; or, if the invention be unpatented, the name of the inventor, the serial number, and date of the application should be stated.

Conditional assignments.

187. Assignments which are made conditional on the performance of certain stipulations, as the payment of money, if recorded in the office are regarded as absolute assignments until canceled with the written consent of both parties or by the decree of a competent court. The office has no means for determining whether such conditions have been fulfilled.

Issue to assignee.

188. In every case where it is desired that the patent issue to an assignee, the assignment must be recorded in the Patent Office at a date not later than the day on which the final fee is paid. (See rule 26.) In the case of an application for a design patent the assignment must be recorded before the case is allowed. The date of the record is the date of the receipt of the assignment at the office in proper form and accompanied by the full legal fee for recording.

Date of record.

Receipt, recording, and return of assignments.

189. The receipt of assignments is generally acknowledged by the office. They are recorded in regular order as promptly as possible, and then transmitted to the persons entitled to them. (For form of assignment, see appendix, Forms 33–39.)

OFFICE FEES

Rev. Stat., sec. 4893.

190. Nearly all the fees payable to the Patent Office are positively required by law to be paid in advance—that is, upon making application for any action by the office for which a fee is payable. For the sake of uniformity and convenience, the remaining fees will be required to be paid in the same manner.

Payable in advance.

Schedule.

Rev. Stat., sec. 4934.

191. Attention is called to the fact that the Appropriation Act for the Patent Office, Public Law 490 of the 79th Congress, changes the price of printed copies of patents from ten cents to twenty-five cents. Copies of trademarks and designs remain at ten cents.

On filing each original application for a patent having 20 claims, or less, except in design cases	**$30.00**
For each additional claim	1.00

On issuing each original patent having 20 claims, or less, except in design cases	$30.00
For each additional claim	1.00
In design cases:	
For 3 years and 6 months	10.00
For 7 years	15.00
For 14 years	30.00
On every application for the reissue of a patent	30.00
On filing each disclaimer	10.00
On filing each petition for the revival of an abandoned application for patent	10.00
On filing each petition for the delayed payment of the final fee	10.00
On an appeal for the first time from the primary examiner to the board of appeals	15.00
On every appeal from the examiner of interferences to the board of appeals	25.00
For certified copies of patents if in print:	
For specification and drawing, per copy	.25
For the certificate	.50
For the grant	.50
For certifying to a duplicate of a model	.50
For manuscript copies of records, for every 100 words or fraction thereof	.10
If certified, for the certificate additional	.50
For photostat copies of printed records, per sheet	.20
If certified, for the certificate additional	.50
For photostat copies of records, per sheet	.20
For uncertified copies of the specifications and accompanying drawings of patents, if in print, each	.25
For the drawings, if in print	.10
For copies of drawings not in print, the reasonable cost of making them.	
For photo prints of drawings, for each sheet of drawings	.20
For 20-coupon orders, each coupon good for one copy of a printed specification and drawing, and receivable in payment for photographic prints	2.00
For 100 coupons in stub book	10.00
For recording every assignment, agreement, power of attorney, or other paper not exceeding six pages	3.00
For each additional two pages or less	1.00
For each additional patent or application included or involved in one writing, where more than one is so included or involved, additional	.50
For abstracts of title to each patent or invention:	
For the search, one hour or less, and certificate	3.00
Each additional hour or fraction thereof	1.50
For each brief from the digest of assignments, of 200 words or less	.50
Each additional 100 words or fraction thereof	.10
For title reports required for office use	1.00
For assistance to attorneys or agents in the examination of publications in the Scientific Library, one hour or less	1.50
Each additional hour or fraction thereof	1.50
For copies of matter in any foreign language, for every 100 words or a fraction thereof	.10
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In paper covers.

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Orders for copies.

192. An order for a copy of an assignment must give the liber and page of the record, as well as the name of the inventor; otherwise an extra charge will be made for the time consumed in making any search for such assignment.

Copies certified by office.

193. Any person making application therefor and paying the fee required by law will be furnished certified copies of any records, books, papers, or drawings belonging to the Patent Office, or of letters patent or certificates

of registrations of trade-marks, authenticated by the seal of the Patent Office and certified by the Commissioner or in his name attested by a chief of a division duly authorized by the Commissioner.

Act of Mar. 6, 1920.

194. All payments of money required for office fees must be made in specie, Treasury notes, national-bank notes, post-office money orders, or certified checks. Money orders and checks should be made payable to the "Commissioner of Patents." Money sent by mail to the Patent Office will be at the risk of the sender. Letters containing money should be registered. In no case should money be sent with models.

REPAYMENT OF MONEY

Act of Mar. 6, 1920.
Money paid by mistake refunded.

195. Money paid by actual mistake, such as a payment in excess, or when not required by law, or by neglect or misinformation on the part of the office, will be refunded; but a mere change of purpose after the payment of money, as when a party desires to withdraw his application for a patent or for the registration of a trade-mark, or to withdraw an appeal, will not entitle a party to demand such a return.

PUBLICATIONS

Rev. Stat., sec. 489.
Official Gazette. Contents.

196. The Official Gazette, a weekly publication which has been issued since 1872, takes the place of the old Patent Office Report. It contains claims of all patents issued, including reissues and designs, with portions of the drawings selected to illustrate the inventions claimed, illustrations of trade-marks published, and lists of trade-marks registered. It also contains decisions rendered by the courts in patent cases and by the Commissioner of Patents, and other special matters of interest to inventors.

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Single copies.

is made for the payment of postage. Single copies are furnished for 35 cents. All orders and remittances for the Gazette should be sent to the Superintendent of Documents, Government Printing Office, Washington, D. C.

Annual index.

An index is published annually, in two parts—one on patents, price, $2, and the other on trade-marks, price, 75 cents.

On June 30, 1912, the publication of the monthly library edition, issued since 1872, containing the full specifications and drawings of all patents granted during the previous month, was suspended.

LIBRARY REGULATIONS

Rev. Stat., sec. 486.
Removal of books.

197. Officers of the bureau and members of the examining corps only are allowed to enter the alcoves or take books from the scientific library.

Books taken from this library must be entered in a register kept for the purpose, and returned on the call of the librarian. They must not be taken from the building except by permission of the Commissioner. Registration and return.

Any book lost or defaced must be replaced by a new copy. Loss or injury.

Patentees and others doing business with the office can examine the books only in the library hall. Use by the public.

Translations will be made only for official use. Translations.

Copies or tracings from works in the library will be furnished by the office at the usual rates. Copies and tracings.

AMENDMENTS OF THE RULES

198. All amendments of the foregoing rules will be published in the Official Gazette.

QUESTIONS NOT SPECIFICALLY PROVIDED FOR

199. All cases not specifically defined and provided for in these rules will be decided in accordance with the merits of each case under the authority of the Commissioner, and such decision will be communicated to the interested parties in writing.

CASPER W. OOMS,
Commissioner of Patents.

Electrical Symbols

RESISTANCE 1	CONDENSER VARIABLE 10	TRANSFORMER AIR CORE 19	FUSE 28	POLARIZED BELL 37	SWITCH 46
NON INDUCTIVE RESISTANCE 2	CONDENSER VARIABLE MOVABLE PLATE INDICATED 11	VARIABLE TRANSFORMER 20	SHIELDED CONDUCTOR 29	BUZZER 38	DOUBLE POLE SWITCH 47
VARIABLE RESISTANCE 3	CONDENSER VARIABLE SHIELDED 12	TRANSFORMER IRON CORE 21	COAXIAL CABLE 30	AMMETER A 39	REVERSING SWITCH 48
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RHEOSTATS 8	INDUCTOR OR REACTOR. POWDERED IRON CORE 17	MAIN CIRCUITS SHUNT OR CONTROL CIRCUITS 26	POWER SUPPLY UNIT + − 35	HOT WIRE MEASURING INSTRUMENT 44	PUSH BUTTON 2 WIRE WALKING BEAM 53
CONDENSER 9	CHOKE COIL 18	SHUNT 27	BELL 36	INTEGRATING METER 45	SNAP SWITCH DOUBLE POLE 54

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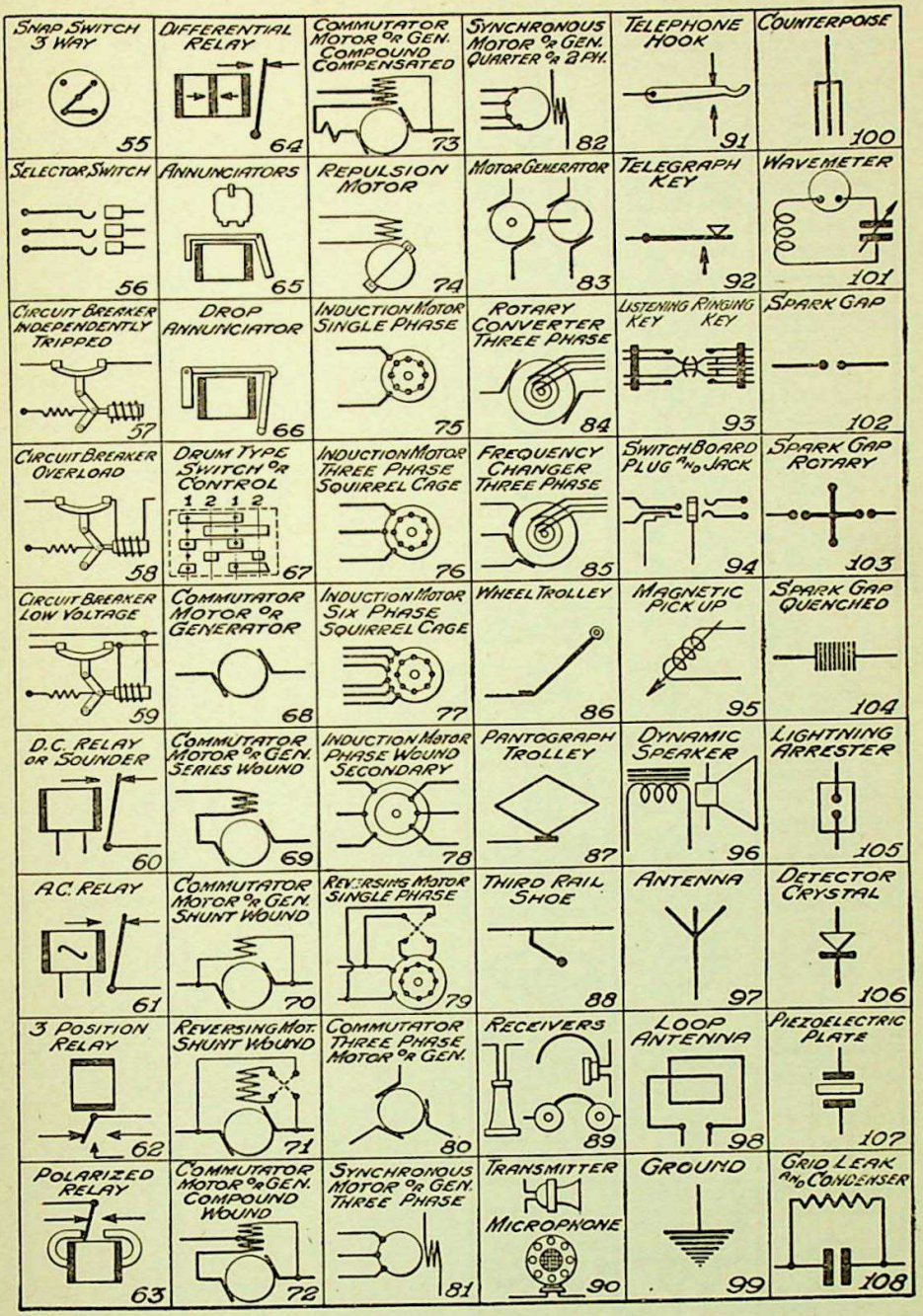

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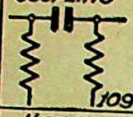
RESISTANCE COUPLING  109	MERCURY ARC RECTIFIER 118	HALF WAVE RECTIFIER 127			
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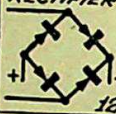
LOW PASS FILTER 111	DIODE 120	PHOTOELECTRIC CELL 129			
BAND PASS FILTER 112	BRIDGE RECTIFIER  121	GLOW DISCHARGE TUBE 130			
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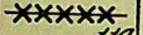
ARC LAMPS LIGHTED ARC LAMPS OUT  114	TRIODE INDIRECTLY HEATED CATHODE 123	COOLED TYPE TUBE 132			
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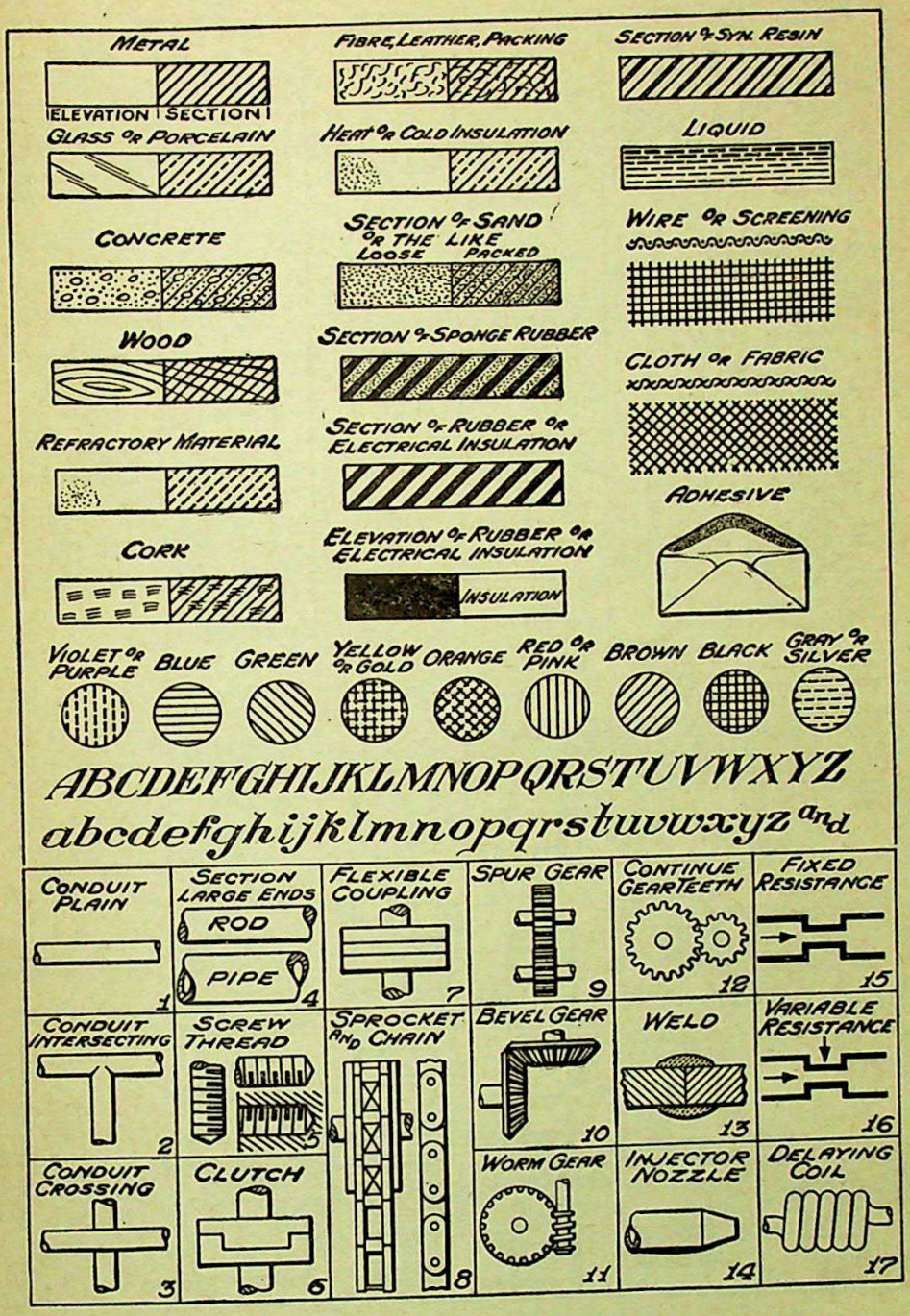
Electrical Symbols—Continued



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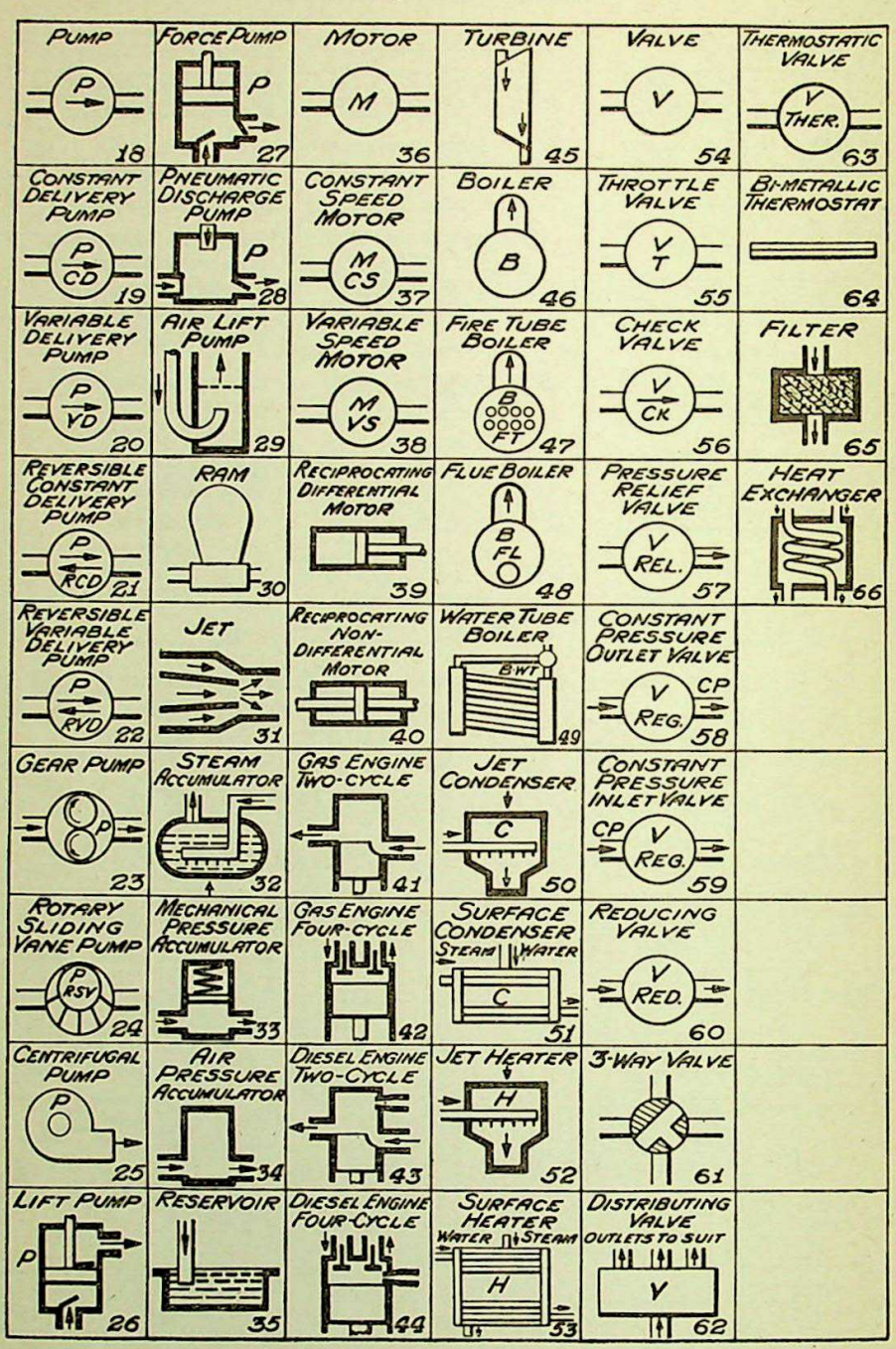


APPENDIX OF FORMS

PETITIONS

1. BY A SOLE INVENTOR

To the Commissioner of Patents:

Your petitioner, ------ ------, a citizen of the United States and a resident of ------, in the county of ------ and State of ------ (or subject, etc.), whose post-office address is ------, prays that letters patent may be granted to him for the improvement in ------, set forth in the annexed specification.

Signed at ------, in the county of ------ and State of ------, this ---- day of ------, 19--.

------ ------.

2. BY JOINT INVENTORS

To the Commissioner of Patents:

Your petitioners, ------ ------ and ------ ------, citizens of the United States and residents, respectively, of ------, in the county of ------ and State of ------, and of ------, in the county of ------ and State of ------ (or subjects, etc.), whose post-office addresses are, respectively, ------ and ------, pray that letters patent may be granted to them, as joint inventors, for the improvement in ------, set forth in the annexed specification.

Signed at ------, in the county of ------ and State of ------, this ---- day of ------, 19--.

------ ------.

------ ------.

3. BY AN INVENTOR, FOR HIMSELF AND ASSIGNEE

To the Commissioner of Patents:

Your petitioner, ------ ------, a citizen of the United States and a resident of ------, in the county of ------ and State of ------ (or subject, etc.), whose post-office address is ------, prays that letters patent may be granted to himself and ------, a citizen of the United States and a resident of ------, in the county of ------ and State of ------, whose post-office address is ------, as his assignee, for the improvement in ------, set forth in the annexed specification.

Signed at ------, in the county of ------ and State of ------, this ---- day of ------, 19--.

------ ------.

4. PETITION WITH POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

To the Commissioner of Patents:

Your petitioner, _____ _____, a citizen of the United States and a resident of _____, in the county of _____ and State of _____ (or subject, etc.), whose post-office address is _____, prays that letters patent may be granted to him for the improvement in _____, set forth in the annexed specification; and he hereby appoints _____, of _____, State of _____, his attorney or agent, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected therewith.

Signed at _____, in the county of _____ and State of _____, this ____ day of _____, 19__.

_____ _____.

5. BY AN ADMINISTRATOR

To the Commissioner of Patents:

Your petitioner, _____ _____, a citizen of the United States and a resident of _____, in the county of _____ and State of _____ (or subject, etc.), whose post-office address is _____, administrator of the estate of _____, late a citizen of _____, deceased (as by reference to the duly certified copy of letters of administration, hereto annexed, will more fully appear), prays that letters patent may be granted to him for the invention of the said _____ (improvement in _____), set forth in the annexed specification.

Signed at _____, in the county of _____ and State of _____, this ____ day of _____, 19__.

_____ _____,
Administrator, etc.

6. BY AN EXECUTOR

To the Commissioner of Patents:

Your petitioner, _____ _____, a citizen of the United States and a resident of _____, in the county of _____ and State of _____ (or subject, etc.), whose post-office address is _____, executor of the last will and testament of _____, late a citizen of _____, deceased (as by reference to the duly certified copy of letters testamentary, hereto annexed, will more fully appear), prays that letters patent may be granted to him for the invention of the said _____ (improvement in _____), set forth in the annexed specification.

Signed at _____, in the county of _____ and State of _____, this ____ day of _____, 19__.

_____ _____,
Executor, etc.

7. BY A GUARDIAN OF AN INSANE PERSON

To the Commissioner of Patents:

Your petitioner, _____ _____, a citizen of the United States and a resident of _____, in the county of _____ and State of _____ (or subject, etc.), whose post-office address is _____, and who has

been appointed guardian (or conservator or representative) of ------ (as by reference to the duly certified copy of the order of court, hereto annexed, will more fully appear), prays that letters patent may be granted to him for the invention of the said ------ (improvement in ------), set forth in the annexed specification.

Signed at ------, in the county of ------ and State of ------, this ---- day of ------, 19--.

------ ------,
Guardian, etc.

8. FOR A REISSUE (BY THE INVENTOR)

To the Commissioner of Patents:

Your petitioner, ------ ------, a citizen of the United States and a resident of ------, in the county of ------ and State of ------ (or subject, etc.), whose post-office address is ------, prays that he may be allowed to surrender the letters patent for an improvement in ------, No. ---- granted to him ------, 19--, whereof he is now sole owner (or whereof ------, on whose behalf and with whose assent this application is made, is now sole owner, by assignment), and that letters patent may be reissued to him (or the said ------) for the same invention upon the annexed amended specification. With this petition is filed an abstract of title, duly certified, as required in such cases.

Signed at ------, in the county of ------ and State of ------, this ---- day of ------, 19--.

------ ------.

[Assent of assignee to reissue]

The undersigned, assignee of the entire (or of an undivided) interest in the above-mentioned letters patent, hereby assents to the accompanying application.

------ ------.

9. FOR A REISSUE (BY THE ASSIGNEE)

[To be used only when the inventor is dead]

To the Commissioner of Patents:

Your petitioner, ------ ------, a citizen of the United States and a resident of ------, in the county of ------ and State of ------ (or subject, etc.), whose post-office address is ------, prays that he may be allowed to surrender the letters patent for an improvement in ------, No. ----, granted ------, 19--, to ----------, now deceased, whereof he is now owner, by assignment of the entire interest, and that the letters patent may be reissued to him for the same invention, upon the annexed amended specification. With this petition is filed an abstract of title (or an order for making and filing the same, etc.).

Signed at ------, in the county of ------ and State of ------, this ---- day of ------, 19--.

------ ------.

10. FOR LETTERS PATENT FOR A DESIGN

To the Commissioner of Patents:

Your petitioner, _____ _____, a citizen of the United States and a resident of _____, in the county of _____ and State of _____ (or subject, etc.), whose post-office address is _____, prays that letters patent may be granted to him for the term of three and one-half years (or seven years or fourteen years) for the new and original design for _____, set forth in the annexed specification.

Signed at _____, in the county of _____ and State of _____, this ____ day of _____, 19__.

_____ _____.

SPECIFICATIONS

11. FOR AN ART OR PROCESS

SPECIFICATION

This invention relates to the process of extracting gold from its ores by means of a solution of cyanide of an alkali or alkaline earth, and has for its object to render the process more expeditious and considerably cheaper.

In extracting gold from its ores by means of a solution of cyanide of potassium, sodium, barium, etc., the simultaneous oxidation of the gold is necessary, and this has hitherto been effected by the action of the air upon the gold which is rendered oxidizable thereby by the action of the cyanide solution.

Instead of depending solely upon the agency of the air for the oxidizing action I employ, to assist the oxidation of the gold, ferricyanide of potassium or another ferricyanogen salt of an alkali or of an earth alkali in an alkaline solution. By this means the oxidation, being rendered very much more energetic, is effected with a considerably smaller quantity of the solvent. Thus, by the addition of ferricyanide of potassium or other ferricyanides to the cyanide of potassium solution, as much as eighty per cent of potassium cyanide may be saved.

It may be remarked that the ferricyanide of potassium alone will not dissolve the gold and does not therefore come under the category of a solvent hitherto employed in processes of extraction. It does not therefore render unnecessary the employment of the simple cyanide as a solvent, but only reduces the amount required owing to the capacity of the ferricyanide to assist the air to rapidly oxidize the gold in the presence of the simple salt. Consequently the cyanogen of the latter is not used to form the gold cyanide compound.

I claim:

The process of extracting gold from its ores consisting in subjecting the ores to the dissolving action of cyanide of potassium in the presence of ferricyanide of potassium, substantially as herein described.

_____ _____.

12. FOR A MACHINE

SPECIFICATION

My invention relates to improvements in meat-chopping machines in which vertically reciprocating knives operate in conjunction with a rotating chopping block; and the objects of my improvement are, first, to provide a continuously lubricated bearing for the block; second, to afford facilities for the proper adjustment of the knives independently of each other in respect to the face of the block; and, third to reduce the friction of the reciprocating rod which carries the knives.

I attain these objects by mechanism illustrated in the accompanying drawing, in which—

Figure 1 is vertical section of the entire machine; Fig. 2, a plan view of the machine as it appears after the removal of the chopping block and knives; Fig. 3, a vertical section of a part of the machine on the line 3 3, Fig. 2; and Fig. 4, a detailed view in perspective of the reciprocating crosshead and its knives.

Similar numerals refer to similar parts throughout the several views.

The table or plate 1, its legs or standards 2 2, and the hanger 3, secured to the underside of the table, constitute the framework of the machine. In the hanger 3 turns the shaft 4, carrying a fly-wheel 5, to the hub of which is attached a crank 6, and a crank-pin 7, connected by link 8, to a pin passing through a crosshead 9, and to the latter is secured a rod 10, having at its upper end a crosshead 11, carrying the adjustable chopping knives, 12 12, referred to hereinafter.

The crosshead 9, reciprocated by the shaft 4, is provided with antifriction rollers 13 13, adapted to guides 14 14, secured to the underside of the table 1, so that the reciprocation of this crosshead may be accompanied with as little friction as possible.

To the underside of a wooden chopping block 15 is secured an annular rib 16, adapted to and bearing in an annular groove 17 in the table 1. (See Figs. 1 and 2.) This annular groove or channel is not of the same depth throughout, but communicates at one or more points (two in the present instance) with pockets or receptacles 18, 18 wider than the groove and containing supplies of oil, in contact with which the rib 16 rotates, so that the continuous lubrication of the groove and rib is assured. The rod 10 passes through and is guided by a central stand 19, secured to the table 1, and projecting through a central opening in the chopping block without being in contact therewith, the upper portion of the said stand being contained within a cover 20, which is secured to the block, and which prevents particles of meat from escaping through the central opening of the same.

The crosshead 11, previously referred to, and shown in perspective in Fig. 4, is vertically adjustable on the rod 10, and can be retained after adjustment by a set-screw 21, the upper end of the rod being

threaded for the reception of nuts 22, which resist the shocks imparted to the crosshead when the knives are brought into violent contact with the meat or the chopping-block.

The knives 12, 12 are adjustable independently of each other and of the said crosshead, so that the coincidence of the cutting-edge of each knife with the face of the chopping block may always be assured.

I prefer to carry out this feature of my invention in the manner shown in Fig. 4, where it will be seen that two screw-rods 23, 23 rise vertically from the back of each knife and pass through lugs 24, 24 on the crosshead, each rod being furnished with two nuts, one above and the other below the lug through which it passes. The most accurate adjustment of the knives can be effected by the manipulation of these nuts.

A circular casing 25 is secured to the chopping block, so as to form on the same a trough 26 for keeping the meat within proper bounds; and on the edge of the annular rib 16, secured to the bottom of the block, are teeth 27, for receiving those of a pinion 28, which may be driven by the shaft 4 through the medium of any suitable system of gearing, that shown in the drawing forming no part of my present invention.

This shaft 4 may be driven by a belt passing round the pulleys 29, or it may be driven by hand from a shaft 30, furnished at one end with a handle 31, and at the other with a cog-wheel 32, gearing into a pinion on the said shaft 4.

A platform 33 may be hinged, as at 34, to one edge of the table 1, to support a vessel in which the chopped meat can be deposited. The means by which it may be supported are shown in full lines, and the most convenient method of disposing of it when not in use is shown in dotted lines, in Fig. 1.

I am aware that prior to my invention meat-chopping machines have been made with vertically-reciprocating knives operating in conjunction with rotating chopping blocks. I therefore do not claim such a combination broadly; but

I claim:

1. The combination, in a meat-chopping machine, of a rotary chopping-block having an annular rib, with a table having an annular recess to receive said rib, and a pocket communicating with the said recess, all substantially as set forth.

2. In a meat-chopping machine, the combination of a rotary chopping-block with a reciprocating crosshead carrying knives, each of which is vertically adjustable on the said crosshead independently of the other, substantially as described.

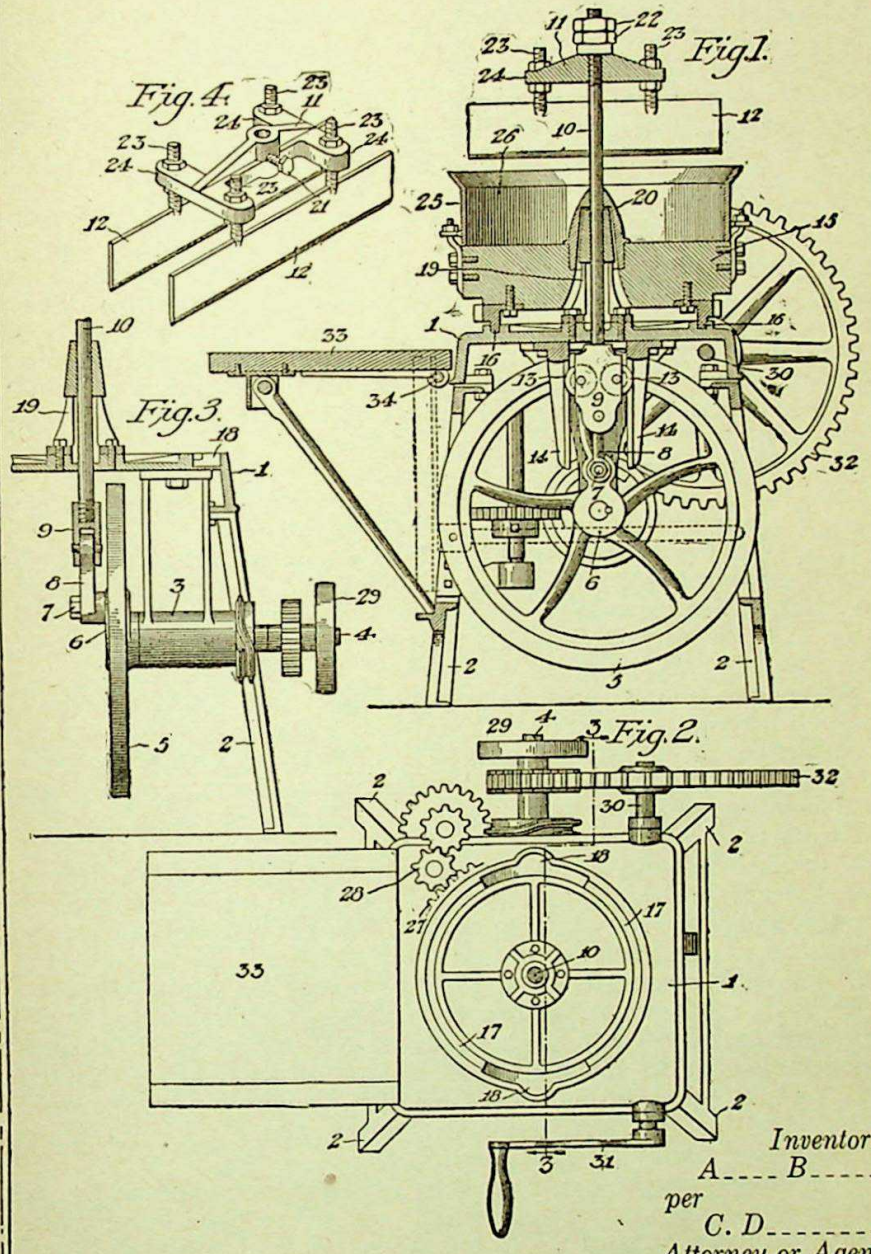
3. A chopping knife having two screw rods projecting perpendicularly from its back and parallel with the sides of the knife.

4. A meat chopping machine provided with a rod carrying chopping knives and adapted to be reciprocated, a cross-head secured to said rod, anti-friction rollers mounted on the cross-head, and guides with which the rollers cooperate, substantially as described.

------ ------.

THE SIZE OF THE SHEET MUST BE EXACTLY
10 x 15 INCHES. SEE RULE 52, (b).

THIS SPACE MUST BE THIRTEEN INCHES



THIS SPACE MUST BE EIGHT INCHES

13. FOR A COMPOSITION OF MATTER

SPECIFICATION

The object of my invention is the production of a plastic non-conducting composition or cement to be applied to the surfaces of steam-boilers and steam-pipes and other receptacles and conduits as a lagging for preventing radiation of heat and the permeation of water, and rendering them fireproof.

My composition consists of a mixture of paper-pulp or other vegetable fibrous material, a powdered mineral filler, such as soapstone or Portland cement, a mineral fibrous material, such as asbestos, and a mineral cementing material, such as silicate of sodium or potassium (soluble glass).

In preparing the composition I prefer to use the ingredients in about the following proportions—viz., fifty pounds of paper-pulp, fifty pounds of soapstone, twenty-five pounds of asbestos, and three quarts of a 33° Baumé solution of soluble glass. Good results may be obtained, however, when the ingredients are varied within the following limits: vegetable fibrous material, forty to sixty pounds; powdered mineral filler, forty-five to fifty-five pounds; mineral fibrous material, twenty to thirty pounds; soluble glass, two to four quarts of a 30° Baumé to 35° Baumé solution.

The asbestos may in some cases be omitted when a cheaper product is desired, though the composition is not then so efficient for the lagging of surfaces subjected to high temperatures.

These ingredients are mixed with a quantity of water sufficient to form a paste or mortar of such consistency as to enable it to be plastered over the surface to be protected. It may be applied in one or more coats or layers, in the ordinary manner, according to the nature of the article and the amount of protection required.

My composition is light, is fireproof, is a very efficient non-conductor of heat, is impervious to water, adheres without cracking when it dries to the surface to which it is applied, and, as a whole, possesses in a high degree all the desired properties of a lagging for steam heated surfaces.

I claim:

1. A plastic composition adapted to form a light weight, fireproof, and waterproof lagging for steam heated surfaces, comprising a vegetable fibrous material, a mineral filler in powdered form and a mineral cementing substance.

2. A plastic composition adapted to form a lagging for steam pipes and the like comprising forty to sixty pounds of paper-pulp, forty-five to fifty-five pounds of powered soapstone, and two to four quarts of a 30° Baumé to 35° Baumé solution of soluble glass.

3. A plastic composition consisting of a vegetable fibrous material a powdered mineral filler, a mineral fibrous material and a mineral cementing substance substantially as described.

4. A plastic composition consisting of fifty pounds of paper pulp, fifty pounds of powdered soapstone, twenty-five pounds of asbestos fiber and three quarts of a 33° Baumé solution of soluble glass.

---

14. FOR A DESIGN

To all whom it may concern:

Be it known that I, ------ a citizen of the United States, residing at ------, in the county of ------, and State of ------ (or subject, etc.), have invented a new, original, and ornamental Design for Watch-Cases, of which the following is a specification, reference being had to the accompanying drawing, forming part thereof.

The figure is a plan view of a watch case, showing my new design.

I claim:

The ornamental design for a watch case, as shown.

------ ------.

OATHS

15. OATH TO ACCOMPANY AN APPLICATION FOR UNITED STATES PATENT

--------- ------, } *ss.*
------ ------.

------ ------,[1] the above-name petitioner--, being sworn (or affirmed), depose-- and say-- that ---------- citizen---- of[2] ------ and resident-- of[3]------, that ------ verily believe ------ ------ to be the original, first, and[4]------ inventor-- of the improvement in[5]------ described and claimed in the annexed specification; that ------ do-- not know and do-- not believe that the same was ever known or used before ------ invention or discovery thereof, or patented or described in any printed publication in any country before ------ invention or discovery thereof, or more than one year prior to this application, or in public use or on sale in the United States for more than one year prior to this application; that said invention has not been patented in any country foreign to the United States on an application filed by ------ or ------ legal representatives or assigns more than twelve months prior to this application; and that no application for patent on said improvement has been filed by ------ or ------ representatives or assigns in any country foreign to the United States, except as follows:[6] ----------.

Inventor's full name.[7] {------ ------.
------ ------.

---

[1] If the inventor be dead, the oath will be made by the administrator; if insane, by the guardian, conservator, or legal representative. In either case the affiant will declare his belief that the party named as inventor was the original and first inventor.

[2] If the applicant be an alien, state of what foreign country he is a citizen or subject.

[3] Give residence address in full; as "a resident of ------, in the county of ------, and State of ------," or "of No. ------ street, in the city of ------, county of ------, and State (Kingdom, Republic, or Empire) of ------."

[4] "Sole" or "joint."

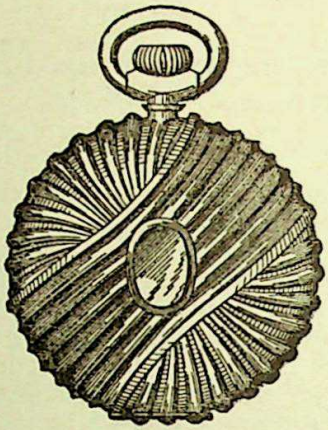
[5] Insert title of invention.

[6] Name each country in which an application has been filed, and in each case give date of filing the same. If no application has been filed, erase the words "except as follows."

[7] All oaths must bear the signature of the affiant.

The size of the sheet must be exactly 10x15 inches. See rule 52(b).

This space must be thirteen inches



Inventor:

*T*_____ *B*_____

per

*G*_____ *C*_____

Attorney or Agent

This space must be eight inches.

Sworn to and subscribed before me this ------ day of ------, 19--.
[SEAL.]

------ ------,
[Signature of justice or notary]
[8] ------ ------.
[Official character]

16. OATH TO ACCOMPANY AN APPLICATION FOR UNITED STATES PATENT FOR DESIGN

------ ------,
------ ------, } *ss:*

------ ------,[1] the above-named petitioner--, being sworn (or affirmed), depose-- and say-- that ------ ------ citizen-- of [2] ------ and resident-- of [3]------, that ------ verily believe ------ ------ to be the original, first, and [4] ------ inventor of the design for [5] ------ ------ described and claimed in the annexed specification; that ------ do-- not know and do-- not believe that the same was ever known or used before ------ invention thereof, or patented or described in any printed publication in any country before ------ invention thereof, or more than one year prior to this application, or in public use or on sale in the United States for more than one year prior to this application; that said design has not been patented in any country foreign to the United States on an application filed by ------ or ------ legal representatives or assigns more than six months prior to this application; and that no application for patent on said design has been filed by ------ or ------ representatives or assigns in any country foreign to the United States, except as follows: [6] ----------.

Inventor's full name: [7] ------ ------.
------ ------.

Sworn to and subscribed before me this ------ day of ------, 19--.
[SEAL.]

[8] ------ ------,
[Signature of justice or notary]
------ ------.
[Official character]

---

[1] If the inventor be dead, the oath will be made by the administrator; if insane, by the guardian, conservator, or legal representative. In either case the affiant will declare his belief that the party named as inventor was the original and first inventor.

[2] If the applicant be an alien, state of what foreign country he is a citizen or subject.

[3] Give residence address in full; as "a resident of ------, in the county of ------, and State of ------," or "of No. ------ street, in the city of ------, county of ------, and State (Kingdom, Republic, or Empire) of ------."

[4] "Sole" or "joint."

[5] Insert title of invention.

[6] Name each country in which an application has been filed, and in each case give date of filing the same. If no application has been filed, erase the words "except as follows."

[7] All oaths must bear the signature of the affiant.

[8] * * * "When the person before whom the oath or affirmation is made is not provided with a seal, his official character shall be established by competent evidence, as by a certificate from a clerk of a court of record or other proper officer having a seal."

A certificate of the official character of a magistrate, stating date of appointment and term of office, may be filed in the Patent Office, which will obviate the necessity of separate certificates in individual cases.

When the oath is taken abroad before a notary public, judge, or magistrate, his authority should in each instance be proved by a certificate of a diplomatic or consular officer of the United States.

17. BY AN APPLICANT FOR A REISSUE (INVENTOR)

[When the original patent is claimed to be inoperative or invalid "by reason of the patentee claiming as his own invention or discovery more than he had a right to claim as new," this form can be modified accordingly]

_____ _____,
_____ _____, } *ss:*

_____ _____, the above-named petitioner, being duly sworn (or affirmed), deposes and says that he does verily believe himself to be the original, first, and [9] _____ inventor of the improvement set forth and claimed in the foregoing specification and for which improvement he solicits a patent; that deponent does not know and does not believe that said improvement was ever known or used before his invention or discovery thereof, that deponent is a citizen of the United States of America, and resides at _____, in the county of _____ and State of _____; [10] that deponent verily believes that the letters patent referred to in the foregoing petition and specification and herewith surrendered are inoperative (or invalid), for the reason that the specification thereof is defective (or insufficient), and that such defect (or insufficiency) consists particularly in [11] _____; and deponent further says that the errors which render such patent so inoperative (or invalid) arose from inadvertence (or accident, or mistake), and without any fraudulent or deceptive intention on the part of deponent; [11] that the following is a true specification of the errors which it is claimed constitute such inadvertence (or accident, or mistake) relied upon; [11] _____; that such errors so particularly specified arose (or occurred) as follows: [11] _____.

Inventor's full name: { _____ _____.
_____ _____.

Subscribed and sworn to before me this _____ day of _____, 19__.

[SEAL.]

_____ _____,
[Signature of justice or notary]

_____ _____.
[Official character]

18. BY AN APPLICANT FOR A REISSUE (ASSIGNEE)

[To be used only when the inventor is dead]

_____ _____,
_____ _____, } *ss:*

_____ _____, the above-named petitioner, being duly sworn (or affirmed), deposes and says that he verily believes that the aforesaid letters patent granted to _____ _____ and referred to in the foregoing petition and specification and herewith surrendered are inoperative (or invalid), for the reason that the specification thereof is defective (or insufficient), and that such defect (or insufficiency) consists particularly in _____; and deponent further says that the errors which render such patent so inoperative (or invalid) arose from inadvertence (or accident, or mistake), and without any fraudulent or deceptive intention on the part of deponent; that the following is a true specification of the errors which it is claimed constitute such inadvertence (or accident, or mistake) relied upon: _____; that such errors so particularly specified arose (or occurred) as follows: _____; that the entire title to said letters patent is

---

[9] "Sole" or "joint." [10] Rule 46. [11] Rule 87.

vested in him; that he verily believes the said _____ _____ to be the original, first and [9] _____ inventor of the invention set forth and claimed in the foregoing amended specification, that deponent does not know and does not believe that said improvement was ever before known or used; and that deponent is a citizen of the United States of America, and resides at _____ in the county of _____ and State of _____; and that the said_____ _____ is now deceased.

Assignee's full name _____ _____.

Sworn to and subscribed before me this _____ day of _____, 19__.

[SEAL.]

_____ _____,
[Signature of justice or notary]

_____ _____.
[Official character]

19. SUPPLEMENTAL OATH TO ACCOMPANY A CLAIM FOR MATTER DISCLOSED BUT NOT CLAIMED IN AN ORIGINAL APPLICATION

_____ _____,
_____ _____, } *ss:*

_____ _____, whose application for letters patent for an improvement in _____, serial No. ____, was filed in the United States Patent Office on or about the ____ day of _____, 19__, being duly sworn (or affirmed) deposes and says that the subject matter of the foregoing amendment was part of his invention, was invented before he filed his original application, above identified, for such invention; that he does not know and does not believe that the same was ever known or used before his invention or discovery thereof, or patented or described in any printed publication in any country before his invention or discovery thereof, or more than one year [12] before his application, or in public use or on sale in the United States for more than one year [12] before the date of his application, that said invention has not been patented in any foreign country on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in the United States, and has not been abandoned.

_____ _____.

Sworn to and subscribed before me this ____ day of_____, 19__.

[SEAL]

_____ _____,
[Signature of justice or notary]

_____ _____.
[Official character]

20. OATH AS TO THE LOSS OF LETTERS PATENT

_____ _____,
_____ _____, } *ss:*

_____ _____, being duly sworn (or affirmed), depose__ and say__ that the letters patent No. ____, granted to him, and bearing date on the ____ day of _____, 19__, have been either lost or destroyed; that he has made diligent search for the said letters patent in all places where the same would probably be found, if existing, and that he has not been able to find them.

_____ _____.

Subscribed and sworn to before me this ____ day of ____, 19__.

[SEAL]

_____ _____,
[Signature of justice or notary]

_____ _____.
[Official character]

---

[9] "Sole" or "joint."

[12] In the case of applications for patent filed prior to August 5, 1940, this period is two years instead of one year.

21. OATH OF ADMINISTRATOR AS TO THE LOSS OF LETTERS PATENT

------ ------, }
------ ------, } *ss:*

------ ------, being duly sworn, depose-- and say-- that he is administrator of the estate of ------ ------, deceased, late of------, in said county; that the letters patent No.-----, granted to said------ ------, and bearing date of the ---- day of ------, 19--, have been lost or destroyed, as he verily believes; that he has made diligent search for the said letters patent in all places where the same would probably be found, if existing, and especially among the papers of the decedent, and that he has not been able to find said letters patent.

------ ------.
Administrator, etc.

Subscribed and sworn to before me this ---- day of ----, 19--.

[SEAL]

------ ------,
[Signature of justice or notary]

------ ------.
[Official character]

22. POWER OF ATTORNEY OR AUTHORIZATION OF AGENT AFTER APPLICATION FILED

[If the power of attorney or authorization of agent be given at any time other than that of making application for letters patent, it will be in substantially the following form :]

To the Commissioner of Patents:

The undersigned having, on or about the ---- day of ------, 19--, made application for letters patent for an improvement in ------ (serial number ----), hereby appoints ------ ------[13] of ------, in the county of ------ and State of ------, his attorney (or agent), with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office, connected therewith.

Signed at ------, in the county of ------, State of ------, this---- day of ----, 19--.

23. REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

To the Commissioner of Patents:

The undersigned having, on or about the ---- day of ------, 19--, appointed ------ ------, of ------, in the county of ------ and State of ------, his attorney (or agent) to prosecute an application for letters patent which application was filed on or about the ---- day of ------, 19--, for an improvement in ------ (serial number ----), hereby revokes the power of attorney (or authorization of agent) then given.

Signed at ------, in the county of ------ and State of ------, this ---- day of ------, 19--.

-------- --------,

[13] If the power of attorney or authorization of agent be to a firm, the name of each member of the firm must be given in full.

24. AMENDMENT [14]

To the Commissioner of Patents:

In the matter of my application for letters patent for an improvement in ------, filed ------ --, 19-- (serial number ------), I hereby amend my specification as follows:

By striking out all between the ---- and ------ lines, inclusive, of page --;

By inserting the words "------ ------," after the word "------," in the ------ line of the ------ claim; and

By striking out the ------ claim and substituting therefor the following:

Signed at ------, in the county of ------, and State of ------.

------ ------,

By ------ ------,

His Attorney (or His Agent).

DISCLAIMERS

25. DISCLAIMER AFTER PATENT

To the Commissioner of Patents:

Your petitioner, ------ ------, a citizen of the United States, residing at ------, in the county of ------- and State of ------ (or subject, etc.), represents that in the matter of a certain improvement in ----------, for which letters patent of the United States No. ---- were granted to ----------, on the ------ day of ------, 19--, he is (here state the exact interest of the disclaimant; if assignee, set out liber and page where assignment is recorded), and that he has reason to believe that through inadvertence (accident or mistake) and without any fraudulent or deceptive intention the specification and claim of said letters patent are too broad. Your petitioner, therefore, hereby enters this disclaimer to that part of the claim in said specification which is in the following words, to wit:

Signed at ------, in the county of ------, and State of ------, this ------ day of ------, 19--.

------ ------.

Witnesses:

------ ------.

------ ------.

26. DISCLAIMER DURING INTERFERENCE

Interference

------ ------
vs. } Before the examiner of interferences.
------ ------

Subject matter: ------

To the Commissioner of Patents:

SIR: In the matter of the interference above noted, under the provisions of and for the purpose set forth in rule 107, I disclaim (set

---

[14] In the preparation of all amendments a separate paragraph should be devoted to each distinct erasure or insertion, in order to aid the office in making the entry of the amendment into the case to which it pertains.

forth the matter as given in declaration of interference), as I am not the first inventor thereof.

Signed at ------, in the county of ------ and State of ------, this ------ day of ------, 19--.

------ ------.

Witnesses:

------ ------.

------ ------.

APPEALS AND PETITIONS

27. FROM A PRINCIPAL EXAMINER TO THE BOARD OF APPEALS

To the Commissioner of Patents:

SIR: I hereby appeal to the board of appeals from the decision of the principal examiner in the matter of my application for letters patent for an improvement in ----------, filed ------, 19--, serial number ----, which one the ---- day of ------, 19--, was rejected the second time. The following are the points of the decision on which the appeal is taken: (Here follows a statement of the points on which the appeal is taken.)

Signed at ----, in the county of ------ and State of ------, this ------ day of ------, 19--.

------ ------.

28. PETITION FROM A PRINCIPAL EXAMINER TO THE COMMISSIONER

Application of ------ ------.

Serial number ------.

Subject of invention ------ ------.

To the Commissioner of Patents:

Your petition avers—

First. That he is the applicant above named.

Second. That said application was filed on the ---- day of ------, 19--.

Third. That when so filed said application contained ------ claims.

Fourth. That your petitioner was informed by office letter of the ------ ------, 19--, (1) that his ------ claim was rendered vague and indefinite by the employment of words "------ ------," which words should be erased; (2) that his ------ claim was met by certain references which were given; and (3) that the ------ claim was mere surplusage and should be eliminated.

Fifth. That on the ---- day of ------ your petitioner filed an amendment so eliminating his ------ claim, and accompanied such amendment with a communication in which he declined to amend such ------ claim, and asked for another action thereon.

Sixth. That your petitioner was then informed by office letter of the ---- day of ------ that the former requirement relating to claim ------ would be adhered to, and that no action would be had on the merits of either claim until said amendment so required had been made.

Wherefore your petitioner requests that the examiner in charge of such application be advised that such amendment so required by him to said _____ claim be not insisted upon and directed to proceed to examine both said remaining claims upon their merits.

A hearing of this petition is desired on the ____ day of _____, 19__.

_____ _____,
Applicant.

_____ _____,
Attorney (or Agent) for Applicant.

29. PRELIMINARY STATEMENT OF DOMESTIC INVENTOR

_____ _____,
vs.
_____ _____,

Interference in the United States Patent Office.
Preliminary statement of _____ _____.

_____ _____, of _____, in the county of _____, and State of _____, being duly sworn (or affirmed), doth depose and say that he is a party to the interference declared by the Commissioner of Patents _____, 19__, between _____ _____'s application for letters patent, filed _____, 19__, serial number _____, and the patent to _____ _____, granted _____, 19__, numbered _____, for a _____; that he made the invention set forth in the declaration of interference[15] in the United States; that on or about the _____ day of _____, 19__, he first made drawings of the invention (if he has not made a drawing, then he should say that no drawing of the invention in issue has been made); that on the ____ day of _____, 19__, he made the first written description of the invention (if he has not made a written description of the invention, he should so state); that on or about the ____ day of _____, 19__, he first explained the invention to others (if he has not disclosed the invention to others, he should so state); that the date of the first act or acts, other than the acts hereinbefore specified which, if proven, would establish conception of the invention, and a brief description of such act or acts are _____ (if there have been no other acts which, if proven, would establish conception of the invention, he should so state); that he first embodied his invention in a full-size machine, which was completed about the ____ day of _____, 19__, and that on the ____ day of _____, 19__, the said machine was first successfully operated, in the town of _____, county of _____, and State of _____ (if he has not embodied the invention in a full-size machine, he should so state; and if he has embodied it but has not used it, he should so state); and that he began actively exercising reasonable diligence in adapting and perfecting the invention on or about the ____ day of _____, 19__.

_____ _____,
[Signature of inventor]

Subscribed and sworn to before me this ____ day of _____, 19__.

_____ _____,
[Signature of justice or notary]

_____ _____.
[Official character]

---

[15] If the party has doubts as to whether the matter of his application is properly involved in the issue as declared, then in lieu of the terms "the invention set forth in the declaration of interference," he may say "the invention contained in the claims of my application (or patent) declared to be involved in this interference," and should specify such claims by number.

30. PRELIMINARY STATEMENT OF FOREIGN INVENTOR

------ ------,
vs.
------ ------,

Interference in United States Patent Office.
Preliminary statement of ------.

------ ------, of London, in the county of Middlesex, England, being duly sworn, doth depose and say that he is a party to the interference declared by the Commissioner of Patents, ------, 19--, between his application for patent, filed ------, 19--, serial number ------, and the patent of ------ ------, granted ------, 19--, No. ------, for an improvement in ------; that he made the invention set forth in the declaration of interference,[15] being at that time in England; that patents for such invention were applied for and obtained as follows:

Application filed in Great Britain, ------, 19--, patent dated ------, 19--, No. ----; published the ---- day of ------, 19--, and sealed the ---- day of ------, 19--, application filed in France ------, 19--, patent dated ------, 19--, No. ----; published the ---- day of ------, 19--, and sealed the ---- day of ------, 19--. That the date, number, and country of the first application filed by him for the same invention before the filing in the United States are ------. (If a patent has not been obtained in any country, it should be so stated)

That such invention was fully described in a magazine published at ------, on the ---- day of ------, 19--, by ------ ------, entitled ------ ------ (see page ---- of such magazine), and in the following newspapers: ------ ------, of ------, 19--; ------ ------, published at ------, on ------, 19--. (If the invention was never described in a printed publication it should be so stated.)

The knowledge of such invention was introduced into the United States under the following circumstances: On ------, 19--, the said ------ ------ wrote a letter to ------ ------, residing at ------, State of ------, describing such invention and soliciting his services in procuring a patent therefor in the United States. This letter, he is informed and believes, was received by the said ------ ------ on ------, 19--. Also ------, 19--, he wrote a letter to the firm of ------ ------, of ------, State of ------, describing such invention and requesting their assistance in manufacturing and putting it on the market, which letter, he is informed and believes, was received by them on ------, 19--. Such invention was manufactured by such firm and described in their trade circulars, as he is informed and verily believes, on or about the ---- day of ------, 19--. (If the invention has not been introduced into the United States otherwise than by the application papers, it should be so stated, and the date at which such papers were received in the United States alleged.)

------ ------.
[Signature of inventor]

Subscribed and sworn to before me this ---- day of ------, 19--.

------ ------,
[Signature of justice or notary]

------ ------.
[Official character]

---

[15] If the party has doubts as to whether the matter of his application is properly involved in the issue as declared, then in lieu of the terms "the invention set forth in the declaration of interference," he may say "the invention contained in the claims of my application (or patent) declared to be involved in this interference," and should specify such claims by number.

ASSIGNMENTS (SUGGESTIVE)

[This office has no blank forms of assignments for sale or distribution. Only original assignments or writings are recordable]

31. OF AN ENTIRE INTEREST IN AN INVENTION BEFORE THE ISSUE OF LETTERS PATENT

Whereas I, _____ _____, of _____, county of _____, and State of _____, have invented a certain improvement in _____, for which I am about to make (or have made) application for letters patent of the United States; and whereas _____ _____, of _____, county of _____, and State of _____, is desirous of acquiring an interest therein:

Now, therefore, in consideration of _____ dollars, the receipt of which is hereby acknowledged, I, _____ _____, by these presents do sell, assign, and transfer unto _____ _____ the full and exclusive right, for the territory of the United States of America, and not elsewhere (or for the territory of the United States of America, and for all foreign countries) in and to the said invention, as described in the specification executed by me on the _____ day of _____, 19__ (or application filed on the _____ day of _____, 19__, serial number _____), preparatory to obtaining letters patent of the United States therefor; said invention, application, and letters patent to be held and enjoyed by the said _____ _____, for his own use and behoof, and for his legal representatives, to the full end of the term for which said letters patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed _____ day of _____, 19__.

_____ _____ [L. S.]

In presence of—

_____ _____.

_____ _____.

32. OF AN UNDIVIDED INTEREST IN AN INVENTION BEFORE THE ISSUE OF LETTERS PATENT

Whereas I, _____ _____, of _____, county of _____, and State of _____, have invented a certain improvement in _____, for which I am about to make (or have made) application for letters patent of the United States; and whereas _____ _____, of _____, county of _____, and State of _____, is desirous of acquiring an interest therein:

Now, therefore, in consideration of _____ dollars, the receipt of which is hereby acknowledged, I, _____ _____, by these presents do sell, assign, and transfer unto _____ _____ the undivided one-half (or the fractional part, as the case may be) of the full and exclusive right, for the territory of the United States of America, and not elsewhere (or for the territory of the United States of America and for all foreign countries), in and to the said invention, as described in the specification executed by me on the _____ day of _____, 19__ (or application filed on the _____ day of _____, 19__, serial number _____), preparatory to obtaining letters patent of the United States therefor; said invention, application, and letters patent

to be held and enjoyed by the said _____ _____, for his interest, for his own use and behoof, and for his legal representatives, to the full end of the term for which said letters patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed _____ day of _____, 19__.

_____ _____. [L. S.]

In presence of—

_____ _____.

_____ _____.

33. OF THE ENTIRE INTEREST IN LETTERS PATENT

Whereas I, _____ _____, of _____, county of _____, State of _____, did obtain letters patent of the United States for an improvement in _____, which letters patent are numbered _____, and bear date the ____ day of _____, 19__; and whereas I am now the sole owner of said patent; and whereas _____ _____, of _____, county of _____, and State of ____, is desirous of acquiring the entire interest in the same:

Now, therefore, in consideration of the sum of _____ dollars, the receipt of which is hereby acknowledged, I, _____ _____, by these presents, do sell, assign, and transfer unto the said _____ _____ the whole right, title, and interest in and to the said letters patent therefor aforesaid; the same to be held and enjoyed by the said _____ _____, for his own use and behoof and for his legal representatives, to the full end of the term for which said letters patent are granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed ____ day of _____, 19__.

_____ _____. [L. S.]

In presence of—

_____ _____.

_____ _____.

[If assignment, grant, or conveyance be acknowledged as provided for by Rule 185, the certificate will be *prima facie* evidence of the execution of such assignment, grant, or conveyance]

34. OF AN UNDIVIDED INTEREST IN LETTERS PATENT

Whereas I, _____ _____, of _____, county of _____, State of _____, did obtain letters patent of the United States for an improvement in _____, which letters patent are numbered _____, and bear date the ____ day of _____, ____; and whereas _____ _____, of _____, county of _____, State of ____, is desirous of acquiring an interest in the same:

Now, therefore, in consideration of the sum of _____ dollars, the receipt of which is hereby acknowledged, I, _____ _____, by these presents, do sell, assign, and transfer unto the said _____ _____ the undivided one-half part of the whole right, title, and interest in and to the said invention and in and to the letters patent therefor aforesaid; the said undivided one-half part to be held by _____ _____, for his own use and behoof and his legal representatives, to

the full end of the term for which said letters patent are granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed ____ day of ______, 19__.

_____ _____. [L. S.]

In presence of—

_____ _____.

_____ _____.

(See note under Form 35.)

35. TERRITORIAL INTEREST AFTER GRANT OF PATENT

Whereas I, _____ _____, of _____, county of _____, State of _____, did obtain letters patent of the United States for an improvement in _____, which letters patent are numbered ____, and bear date the _____ day of _____, in the year 19__; and whereas I am now the sole owner of the said patent and of all rights under the same in the below-recited territory; and whereas _____ _____, of _____, county of _____, State of _____, is desirous of acquiring an interest in the same:

Now, therefore, for and in consideration of the sum of _____ dollars to me in hand paid, the receipt of which is hereby acknowledged, I, _____ _____, by these presents do sell, assign, and transfer unto the said _____ _____ all the right, title, and interest in and to the said invention, as secured to me by said letters patent, for, to, and in the State of _____, and for, to, or in no other place or places; the same to be held by _____ _____ within and throughout the above-specified territory, but not elsewhere, for his own use and behoof, and of his legal representatives, to the full end of the term for which said letters patent are granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.

Executed _____ day of _____, 19__.

_____ _____. [L. S.]

In presence of—

_____ _____.

_____ _____.

(See note under Form 35.)

36. LICENSE—SHOP-RIGHT

In consideration of the sum of _____ dollars, to be paid by the firm of _____, of _____, in the county of _____, State of _____, I do hereby license and empower the said _____ to manufacture in said _____ (or other place agreed upon) the improvement in _____, for which letters patent of the United States No. ____ were granted to me the _____ day of _____, in the year 19__, and to sell the machines so manufactured throughout the United States to the full end of the term for which said letters patent are granted.

Signed at _____, in the county of _____ and State of _____, this _____ day of _____, 19__.

_____ _____.

In presence of—

_____ _____.

_____ _____.

37. LICENSE—NOT EXCLUSIVE—WITH ROYALTY

This agreement, made this ____ day of ______, 19__, between ______ ______, of ______, in the county of ______ and State of ______, party of the first part, and ______ ______, of ______, in the county of ______ and State of ______, party of the second part, witnesseth, that whereas letters patent of the United States No. ____, for improvement in ______ ______, were granted to the party of the first part on the ____ day of ______, 19__; and whereas the party of the second part is desirous of manufacturing ______ containing said patented improvements: Now, therefore, the parties have agreed as follows:

I. The party of the first part hereby licenses and empowers the party of the second part to manufacture, subject to the conditions hereinafter named, at their factory in ______, and in no other place or places, to the end of the term for which said letters patent were granted, ______ containing the patented improvements, and to sell the same within the United States.

II. The party of the second part agrees to make full and true returns to the party of the first part, under oath, upon the first days of ______ and ______ in each year, of all ______ containing the patented improvements manufactured by them.

III. The party of the second part agrees to pay to the party of the first part ______ dollars as a license fee upon every ______ manufactured by said party of the second part containing the patented improvements; provided, that if the said fee be paid upon the days provided herein for semiannual returns, or within ______ days thereafter, a discount of ______ percent shall be made from said fee for prompt payment.

IV. Upon a failure of the party of the second part to make returns or to make payment of license fees, as herein provided, for ______ days after the days herein named, the party of the first part may terminate this license by serving a written notice upon the party of the second part; but the party of the second part shall not thereby be discharged from any liability to the party of the first part for any license fees due at the time of the service of said notice.

In witness whereof the parties above named have hereunto set their hands the day and year first above written, at ______, in the county of ______ and State of ______.

In the presence of—

------ ------.
------ ------.

------ ------.
------ ------.

DEPOSITIONS

38. NOTICE OF TAKING TESTIMONY

------, ------, ------, 19__.

In the matter of the interference between the application of ______ ______ for a ______ machine and the patent No. ____, granted ______ __, 19__, to ______ ______, now pending before the Commissioner of Patents.

SIR: You are hereby notified that on Wednesday, ______ ____, 19__, at the office of ______ ______, No. ____ ______ Street, ______, ______,

at ____ o'clock in the forenoon, I shall proceed to take the testimony of ______ ______, residing at ______, and ______ ______, residing at ______, all of ______, as witnesses in my behalf.

The examination will continue from day to day until completed. You are invited to attend and cross-examine.

_____ _____,
By _____ _____,
His Attorney (or His Agent).

Signed at ______, in the county of ______ and State of ______, this ____day of ______, 19__.

_____ _____.

Witnesses.

_____ _____.
_____ _____.

Proof of Service

_____ _____,
_____ _____, } *ss:*

Personally appeared before me, a ______ (or other officer), the above-named ______ ______, who, being duly sworn, deposes and says that he served the above notice upon ______ ______, the attorney (or agent) of the said ______ ______, at ____ o'clock ____ of the ____ day of ______, 19__, by leaving a copy at his office in ______, in the county of ______ and State of ______, in charge of ______ ______.

_____ _____.

Sworn to and subscribed before me at ______, in the county of ______ and State of ______, this ____ day of ______, 19__.

[SEAL.]

_____ _____,
[Signature of justice or notary]

_____ _____.
[Official character]

(Service may be acknowledged by the party upon whom it is made as follows:)

Service of the above notice acknowledged this ____ of ______, 19__.

_____ _____,
By _____ _____,
His Attorney (or His Agent).

39. FORM OF DEPOSITION

Before the Commissioner of Patents, in the matter of the interference between the application of ______ ______ for a ______ and Letters Patent No. ____, granted ______ ______, 19__, to ______ ______.

Depositions of witnesses examined on behalf of ______ ______, pursuant to the annexed notice, at the office of ______ ______, No. ____ ______ Street, ______, ______, on ______, ______ ____, 19__. Present, ______ ______, on behalf of ______ ______, and ______ ______, on behalf of ______ ______.

_____ _____, being duly sworn, or affirmed), doth depose and say, in answer to interrogatories proposed to him by ______ ______, counsel for ______ ______, as follows, to wit:

Question 1. What is your name, age, occupation, and residence?

Answer 1. My name is ______ ______; I am ____ years of age; I am a manufacturer of ______, and reside at ______, in the State of ______.

Question 2, etc. _____

_____

And in answer to cross-interrogatories proposed to him by _____ _____, attorney (or agent) for _____ _____, he saith:

Cross-question 1. How long have you known _____ _____?

Answer 1. _____

_____ _____.

40. CERTIFICATE OF OFFICER

[To follow deposition]

_____ _____, }
_____ _____, } *ss:*

I, _____ _____, a notary public within and for the county of _____ and State of _____ (or other officer, as the case may be), do hereby certify that the foregoing deposition of _____ _____ was taken on behalf of _____ _____ in pursuance of the notice hereto annexed, before me, at _____, in the city of _____, in said county, on the ____ day (or days) of _____, 19__; that said witness was by me duly sworn before the commencement of his testimony; that the testimony of said witness was written out by myself (or by _____ _____ in my presence); that the opposing party, _____ _____, was present (or absent or represented by counsel) during the taking of said testimony; that said testimony was taken at _____, and was commenced at ____ o'clock ____ on the ____ of _____, 19__, was continued pursuant to adjournment on the ____, ____ (etc.) and was concluded on the ____ of said month; that the deposition was read by, or to, each witness, before the witness signed the same, and that he signed the same in my presence; that I am not connected by blood or marriage with either of said parties, nor interested, directly or indirectly, in the matter in controversy. (If any of the foregoing requirements are waived, the certificate shall so state.)

In testimony whereof I have hereunto set my hand and affixed my seal of office at _____, in said county, this ____ day of _____, 19__.

[SEAL.]

_____ _____,
[Signature of justice or notary]

_____ _____.
[Official character]

(The magistrate will then append to the deposition the notice under which it is taken, and will seal up the testimony and direct it to the Commissioner of Patents, placing upon the envelope a certificate in substance as follows:)

I hereby certify that the within deposition of _____ _____ (if the package contains more than one deposition give all the names), relating to the matter of interference between _____ _____ and _____ _____, was taken, sealed up, and addressed to the Commissioner of Patents by me this ____ day of _____, 19__.

[SEAL.]

_____ _____,
[Signature of justice or notary]

_____ _____.
[Official character]

APPEALS FROM THE PATENT OFFICE TO THE U. S. COURT OF CUSTOMS AND PATENT APPEALS

COURT RULES

RULE XXV

PETITION OF APPEAL—TRANSCRIPT OF RECORD

1. Any party desiring to appeal to this court from a decision of the Board of Appeals, Board of Interference Examiners or the Commissioner of Patents shall file in the clerk's office a petition, addressed to the court, in which he shall briefly set forth and show that he has complied with the requirements of section 4912 and 4913 of the Revised Statutes of the United States to entitle him to an appeal, and praying that his appeal may be heard upon and for the reasons assigned therefor to the commissioner. Said reasons for appeal, having been filed with the Commissioner of Patents and made a part of the record, shall not be repeated in the petition of appeal. Said petition of appeal and a certified copy of the record in the proceeding shall be filed in this court and the case duly docketed within 40 days (exclusive of Sundays and legal holidays) from the date upon which said reasons for appeal were filed with the Commissioner of Patents: *Provided*, That the commissioner may for special and sufficient cause extend such time to some definite and fixed date: *Provided further*, That in inter partes cases appellant shall, at the time of filing said petition of appeal in this court, or within 10 days thereafter, serve a copy thereof upon appellee or his counsel.

If said petition of appeal and copy of said record shall not be filed within said period of 40 days, unless such time be extended by the commissioner as heretofore provided, the commissioner, upon such facts being brought to his attention by motion of the appellee in inter partes cases, duly served upon the appellant or his attorney, and upon his own motion in ex parte appeals, may take such further proceedings in the case as may be necessary to dispose of the same as though no notice of appeal had ever been given. *Provided, however*, That if any adverse party in an interference case shall, within twenty days after appellant shall have filed notice of appeal to this court, file notice with the Commissioner of Patents that he elects to have all further proceedings conducted as provided in section 4915 of the Revised Statutes, certified copies of the notice of appeal and the notice of election shall be transmitted to this court by the Commissioner of Patents for appropriate action according to law.

2. All certified copies of papers and evidence on appeal from the decision of the final appellate tribunal of the Patent Office shall be received by the clerk of this court, and the cases, by titling and number, shall be placed on a separate docket to be designated as the "Patent appeal docket." The clerk shall, under this titling of the case on the docket, make brief entries of all papers filed and of all proceedings had in the case.

3. In making up the transcript of record on appeal it shall be the duty of the Commissioner of Patents to omit the following:

(*a*) Face and back of file wrappers; formal indorsements on backs of papers.

(*b*) Printed letterheadings and the like. (Examiners' letters and other office letters need show only the date, address, short title, and number of case, body of letter, and signature.)

(*c*) Notices of publication, of hearings, of decisions, of allowance, of receipt of fees, reference slips, interference cards, and the like (except when material to some question raised on the appeal, and then merely a memorandum need be made—e. g., "Memorandum: Notice of allowance mailed to ——— ———, address ———, date ———, ———").

(*d*) A patent or other instrument once inserted shall not be inserted a second time, but reference made thereto by memorandum if necessary.

(*e*) Further to reduce the costs of appeals, it shall be permissible for counsel for the respective parties, subject to the approval of the Commissioner of Patents, to agree upon a statement of the facts of the case, setting forth the questions raised on appeal and so much only of the evidence as may be necessary to a decision of such question. Such statement shall be in duplicate signed by counsel for the parties and filed with the Commissioner of Patents. When so filed, one of the duplicates, together with the decisions of the office, shall constitute the record on appeal and shall be certified accordingly.

4. Appeals from decisions of the Board of Appeals, Board of Interference Examiners and the Commissioner of Patents shall be subject to all the rules of this court provided for other cases therein, except where such rules, from the nature of the case, or by reason of special provisions inconsistent therewith, are not applicable.

Rule XXVI

PRINTING OF RECORDS AND BRIEFS

1. The clerk shall, immediately upon the filing of the transcript of record, cause an estimate to be made of the costs of printing the same or the parts thereof necessary to be printed under the rules of this court, together with the clerk's fee for supervising the printing, and shall notify by mail the party so filing the transcript of the amount of the estimate, and if he shall not pay the amount so ascertained within 30 days after date of such notice such appeal may be dismissed: *Provided*, That in the case of cross appeals the appellants may by agreement apportion and pay the estimated costs within said period of 30 days. In the absence of such agreement the clerk shall apportion said estimated costs upon a fair basis and notify the parties by mail of such apportionment. If either party shall fail to pay his portion of the estimated costs within the period of 10 days after the date of mailing said notice by the clerk, the clerk shall notify the adverse party by mail or wire, and the adverse party may pay said portion within 10 days thereafter. If the full amount is not paid within said last named period of 10 days the appeals may be dismissed: *And provided further*, That the court or any judge thereof may, upon motion, for good cause shown, extend the time for printing the record: *And provided further*, That in cases in which the time

limit, or any extension thereof, is reached during the summer recess of the court the said amount may be paid on or before September 1.

2. The printing of said transcript shall be under the supervision of the clerk of this court, and he shall properly index the matter contained in such transcripts and shall distribute copies as directed by the rules or practice of the court.

The size of said printed transcripts shall be 7⅝ by 10¼ inches and the type matter shall be 4⅛ by 7⅛ inches. They shall be printed in 11-point type and adequately leaded; and the paper must be opaque and unglazed.

Briefs shall in all cases conform to the size of the transcript, and the type matter shall conform as nearly as possible to that provided for the transcript, but in no event shall the type be smaller than 11-point type.

3. In appeals in matters of application for patent, the transcript of the record shall contain, in addition to the other matters of record certified by the Patent Office, separately and at the end of the transcript, under the heading Rejected Claims, a true and correct copy of all rejected claims which are in issue in the appeal, in straight reading matter and without caret or other interlineations. If any claims of the applicant shall have been allowed, and a consideration of the same shall be involved in the issues presented on appeal, a like copy of said allowed claims shall immediately follow the rejected claims, under the heading Allowed Claims. It will not be necessary to include either the rejected or allowed claims elsewhere in the record, except by reference, unless they constitute a part of the decisions of the tribunals of the Patent Office: *Provided*, That where the action of the Patent Office upon motions for amendment or substitution of claims is in issue, then sufficient shall be shown in the transcript of the record to fully develop this issue.

In all cases of interference, the counts of the interference shall be printed in a like manner, under the heading Interference Counts.

In opposition, interference, and cancellation trade-mark cases, the transcript of the record shall contain a copy of the trade-mark proposed to be registered or canceled, and of the trade-mark and registration thereof, if any, which is relied upon by the opposer, applicant for cancellation, or party in interference.

Rule XII

DIMINUTION OF RECORD

No certiorari to correct diminution of the record will be awarded in any case, unless a typewritten or printed motion therefor shall be made, and the facts on which the same is founded shall be shown, unless stipulated, by the affidavit of the party or his attorney of record. Such affidavit shall also show that the omitted matter is material and necessary to the fair trial of the case on its merits and that the suggestion is not made for delay. The costs for printing and supervising such additional matter will be assessed by the court on final decision.

RULE XIII

DOCUMENTARY EXHIBITS MUST BE PRINTED

In no case will the court consider as evidence any documentary exhibit not certified to be a part of the record in the case by the court or tribunal from which the appeal is taken.

All documentary exhibits transmitted to the clerk and certified to be a part of the record in the case to which they pertain shall be printed as a part of the record, unless the court, or a judge thereof, shall otherwise order, or unless the parties shall stipulate that specified exhibits or designated parts thereof are not necessary to the decision of the case, in which latter case they need not be printed and will not be considered by the court in arriving at its decision: *Provided, however*, That this rule is not intended to apply to documentary exhibits impracticable to reproduce in printed form, such as pictures, blue prints, drawings, tabulated forms, and the like. Reproduction of such exhibits in the printed record may be dispensed with by application to the court therefor, or by stipulation of the parties. In addition, the clerk of the court, in the absence of such order or stipulation, will exercise his discretion in selecting from the documentary exhibits such as it may be practicable to print, and is under instructions from the court to administer the rule in a liberal way, to avoid unnecessary expense to litigants: *Provided, further*, That this rule shall not apply to invoices and entry papers in customs cases.

RULE XXVII

ARGUMENT OF PATENT CASES AND THE PREPARATION THEREFOR

1. Not more than two counsel shall be heard for each party appellant and appellee, in the argument of the cause, except by special leave of the court, upon sufficient reason shown.

2. Forty-five minutes for appellant and 30 minutes for appellee, in patent interference matters, and in ex parte and trade-mark cases one-half hour on each side, shall be allowed in oral argument, unless otherwise ordered by the court. The time may be apportioned between counsel on the same side at their discretion. In all cases, however, a full and fair opening must be made. Any case may be submitted on briefs, when reached in regular order, if counsel choose to submit the same in that manner. When a case is reached on the regular call, if briefs have been filed and no counsel appear to present oral argument, the case will be regarded as submitted on briefs.

3. For the appellant there shall be filed with the clerk of the court 15 copies of his printed brief within 40 days after the record shall have been printed: *Provided, however*, That if such period of 40 days expires in vacation, and prior to October 1, appellant shall have until said date to file his brief. *And provided further*, That at the time of filing his brief the appellant shall serve three copies of the same upon the appellee or his counsel of record in the Patent Office. The brief for the appellant shall contain, in the order here stated:

(*a*) A concise statement of the case, presenting succinctly the questions involved and the manner in which they are raised.

(*b*) Such of the errors as shall be relied upon.

(*c*) A clear statement of the points of law or fact to be discussed, with reference to the pages of the record and the authorities relied on in support of each point.

(*d*) Every brief of more than 15 pages shall contain on its front fly leaves a subject index with page references, the subject index to be supplemented by a list of all cases referred to, together with references to pages where the cases are cited.

4. For the appellee there shall be filed with the clerk 15 copies of the brief for his side of the case within 30 days from the filing of appellant's brief: *Provided*, That if said period of 30 days expires in vacation, he shall have 30 days after the first of October to file his brief.

At the time of filing his brief in this court the appellee shall serve three copies on appellant or his counsel of record. Such brief shall be of like character to that required of the appellant, except that no statement of the case is required, unless that presented by the appellant be controverted or denied to be sufficiently full and complete to present the questions for review.

The time for filing briefs may be extended by stipulation of counsel filed in the clerk's office, where such extension will not delay the assignment of the case for argument and when such stipulation is filed within the time provided by these rules for the filing of briefs. Except by leave of the court, or a judge thereof, for extraordinary reasons shown, no party will be permitted to file a brief after the expiration of the time allowed as fixed by these rules (including the time allowed by extension granted in the ways herein provided).

Where an extension of time is desired that may delay the hearing, it must be applied for by motion, and will be granted only for good cause shown. Such extensions may be granted by the court or by any judge thereof.

When a case is called for hearing, if the appellant's brief is not on file, the appeal may be dismissed.

* * * * * * *

Rule VIII (a)

CITATIONS

Whenever a decision of this court shall be cited in a brief, the reference shall include the volume and page of the United States Court of Customs and Patent Appeals Reports or of the Federal Reporter or of the United States Patents Quarterly wherein the same has been published.

Rule XXIX

MODELS AND EXHIBITS

1. Models and exhibits of material forming part of the evidence taken in the Patent Office in any case pending in this court shall be placed in the custody of the clerk of this court at least three days before the case is heard or submitted.

* * * * * * *

FORMS

1. FORM OF NOTICE OF APPEAL TO THE U. S. COURT OF CUSTOMS AND PATENT APPEALS IN AN EX PARTE CASE, WITH REASONS OF APPEAL

IN THE UNITED STATES PATENT OFFICE

In re application of

------ ------.

Serial No. ____.

Filed ------.

Improvements in ------.

To the Commissioner of Patents:

SIR: You are hereby notified of my appeal to the U. S. Court of Customs and Patent Appeals from the decisions of the board of appeals, rendered on or about the ____ day of ------, 19__, rejecting my above-entitled application and refusing me a patent for the invention set forth therein.

The following are assigned as reasons of appeal:

[Here insert in separate counts the specific errors complained of]

------ ------,

By ------ ------,

His Attorney.

2. FORM OF PETITION FOR AN APPEAL TO THE U. S. COURT OF CUSTOMS AND PATENT APPEALS IN AN EX PARTE CASE

IN THE U. S. COURT OF CUSTOMS AND PATENT APPEALS

In re application of

------ ------.

Serial No. ____.

Filed ------.

Improvements in ------.

To the U. S. Court of Customs and Patent Appeals:

Your petitioner, ------ ------, of ------, in the county of ------, and State of ------, respectfully represents:

That he is the original and first inventor of certain new and useful improvements in ------.

That on the ____ day of ------, 19__, in the manner prescribed by law, he presented his application to the Patent Office, praying that a patent be issued to him for the said invention.

That such proceedings were had in said office upon said application; that on the ____ day of ------, 19--, it was rejected by the board of appeals and a patent for said invention was refused him.

That on the ____ day of ------, 19--, your petitioner, pursuant to sections 4912 and 4913, Revised Statutes, United States, gave notice to the Commissioner of Patents of his appeal to this honorable court from his refusal to issue a patent to him for said invention upon said application as aforesaid, and filed with him, in writing, the special reasons of appeal hereinafter included.

That the Commissioner of Patents has furnished him a certified transcript of the record and proceedings relating to said application for patent, including the notice and reasons of appeal, which transcript is filed herewith and is to be deemed and taken as a part hereof.

Wherefore your petitioner prays that his said appeal may be heard upon and for the reasons assigned therefor to the commissioner as aforesaid, and that said appeal may be determined and the decision of the commissioner be revised and reversed, that justice may be done in the premises.

------ ------,
By ------ ------,
His Attorney.

[To be signed here by a member of the bar of the U. S. Court of Customs and Patent Appeals]

------ ------,
Solicitor and of Counsel.

5. FORM OF NOTICE OF APPEAL TO THE U. S. COURT OF CUSTOMS AND PATENT APPEALS IN AN INTERFERENCE CASE, WITH REASONS OF APPEAL

IN THE UNITED STATES PATENT OFFICE

BEFORE THE COMMISSIONER OF PATENTS

------ ------ *vs.* ------ ------ } Interference No. ____ Subject-matter: Improvements in ------.

And now comes ------ ------, by ------ ------, his attorney, and gives notice to the Commissioner of Patents of his appeal to the U. S. Court of Customs and Patent Appeals from the decision of the board of appeals [or board of interference examiners], rendered on or about the ____ day of ------, 19--, awarding priority of invention to ------ ------ in the above-entitled case, and assigns as his reasons of appeal the following:

[Here set out in separate counts the specific errors in the decision complained of]

------ ------,
By ------ ------,
His Attorney.

4. FORM OF PETITION FOR AN APPEAL TO THE U. S. COURT OF CUSTOMS AND PATENT APPEALS IN AN INTERFERENCE CASE

IN THE U. S. COURT OF CUSTOMS AND PATENT APPEALS

In re Interference No. ---

---------- ----------,
Appellant,
vs.
---------- ----------,

To the U. S. Court of Customs and Patent Appeals:

Your petitioner, ------ ------, of ------, in the county of ------ and State of ------, respectfully represents:

That he is the original and first inventor of certain new and useful improvements in ---------.

That on the ------ day of ------, 19--, in the manner prescribed by law, he presented his application to the Patent Office, praying that a patent be issued to him for the said invention.

That thereafter, to wit, on the ---- day of ------, 19--, an interference proceeding was instituted and declared between his said application and a pending application of one ------ ------, serial No. ------, filed ------, for a similar invention.

That the subject-matter of said interference as set forth in the official declaration was as follows:

[Here state the issues of the interference]

That thereafter, to wit, on the ---- day of ------, 19--, the case having been submitted upon the preliminary statements and evidence presented by the parties thereto, the Examiner of Interferences [or board of interference examiners] rendered a decision awarding priority of invention to ------ ------.

That, pursuant to the statutes and the rules of practice in the Patent Office in such case made and provided, ------ ------ appealed from the said adverse decision of the Examiner of Interferences to the board of appeals, and the case having been argued and submitted to said board, a decision was rendered by said board on the ---- day of ------, 19--, affirming (or reversing) the decision of the Examiner of Interferences. [Omit this paragraph for interferences declared on or after October 5, 1939.]

That on the ---- day of ------, 19--, your petitioner, pursuant to sections 4912 and 4913, Revised Statutes, United States, gave notice to the Commissioner of Patents of his appeal to this honorable court from the decision of the board of appeals [or board of interference examiners] awarding priority of invention to said --------, as aforesaid, and filed with him, in writing, the special reasons of appeal hereinafter included.

That the Commissioner of Patents has furnished your petitioner a certified transcript of the record and proceedings relating to said interference case, including the notice and reasons of appeal, which transcript is filed herewith and is to be deemed and taken as a part hereof.

Wherefore your petitioner prays that his said appeal may be heard upon and for the reasons assigned therefor to the commissioner, as

aforesaid, and that said appeal may be determined and the decision of the commissioner be revised and reversed, that justice may be done in the premises.

------ ------,
By------ ------,
His Attorney.

[To be signed here by a member of the bar of the U. S. Court of Customs and Patent Appeals]

------ ------,
Solicitor and of Counsel.

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